

No. _____

United States Circuit Court of Appeals

Ninth Circuit

Appeal from the District Court of the United
States for the District of Oregon

OREGON & CALIFORNIA RAILROAD
COMPANY, A CORPORATION, *et al.*,

Defendants and Appellants

JOHN L. SNYDER, *et al.*,

Cross-Complainants and Appellants

WILLIAM F. SLAUGHTER, *et al.*,

Interveners and Appellants

vs.

THE UNITED STATES OF AMERICA

Appellee

TRANSCRIPT OF RECORD

VOLUME XVII

PAGES 8675-9819

TITLE
NAMES AND ADDRESSES OF
SOLICITORS UPON THIS APPEAL

For Appellants

OREGON & CALIFORNIA R. R. CO., et al.:

WM. F. HERRIN,
P. F. DUNNE,
J. E. FENTON,
San Francisco, Cal.
WM. D. FENTON,
Portland, Oregon.

For Appellant—UNION TRUST COMPANY,
DOLPH, MALLORY, SIMON
& GEARIN,
Portland, Oregon.
MILLER, KING, LANE &
TRAFFORD, and
JOHN C. SPOONER,
New York.

For Appellants—JNO. L. SNYDER, *et al.*:
A. W. LAFFERTY,
Portland, Oregon.

For Appellants—WM. F. SLAUGHTER, *et al.*:
L. C. GARRIGUS,
A. W. LAFFERTY,
MOULTON & SCHWARTZ,
Portland, Oregon.
DAY & BREWER,
Seattle, Wash.
A. C. WOODCOCK,
Eugene, Oregon.

For Appellee:

JAMES C. McREYNOLDS,
Attorney General.
CLARENCE L. REAMES,
U. S. Dist. Attorney for Oregon.
B. D. TOWNSEND,
F. C. RABB,
Special Assistants to the

No. _____

United States Circuit Court of Appeals

Ninth Circuit

Appeal from the District Court of the United
States for the District of Oregon

OREGON & CALIFORNIA RAILROAD

COMPANY, A CORPORATION, *et al.*,

Defendants and Appellants

JOHN L. SNYDER, *et al.*,

Cross-Complainants and Appellants

WILLIAM F. SLAUGHTER, *et al.*,

Interveners and Appellants

vs.

THE UNITED STATES OF AMERICA

Appellee

—o—

TRANSCRIPT OF RECORD

VOLUME XVII

PAGES 8675-8819

**INDEX TO VOLUME I
BILL OF COMPLAINT**

Pages 1-86 both inclusive

INDEX TO EXHIBITS

VOLUME I

Exhibit.	Document.	Page.
A	Articles of Incorporation of the Oregon and California Railroad Company,	89
B	Conveyance, East Side Company to Oregon and California Railroad Company, dated March 29, 1870,	93
C	Conveyance, West Side Company to Oregon and California Railroad Company, dated October 6, 1880,	126
D	Trust Deed, Oregon and California Railroad Company to Villard et al., (securing preferred stockholders), dated June 2, 1881,	134
E	Contract between Oregon and California Railroad Company, stockholders, bondholders, Southern Pacific Company et al., dated March 28, 1887,	166
F	Contract of lease, Oregon and California Railroad Company and Southern Pacific Company, dated July 1, 1887,	185

Volume 1--Continued

Exhibit.	Document.	Page.
G	Supplemental contract of lease, Oregon and California Railroad Company and Southern Pacific Company, dated August 1, 1898	189
H	Mortgage Deed, Oregon and California Railroad Company to Union Trust Company, dated July 1, 1887,	197
I	Mortgage Deed, Oregon and California Railroad Company to Villard et al., (securing bond issue), dated June 1, 1881,	224
J	Schedule of sales of lands,	260
K	Schedule of unsold lands: East Side Grant,	273
	West Side Grant,	508
L	Memorial of Legislature of Oregon to the President and Congress,	520
M	Schedule of maps of survey and location,	522
N	Schedule of construction of the several sections of the railroad and telegraph lines,	524
O	Schedule of patents issued,	527
P	Schedule of suits involving certain of the unsold lands, mentioned in paragraph XX,	529

TABLE OF CONTENTS

VOLUME II

	Page
Petition in Intervention of B. W. Nunnally et al.,	541
Order permitting intervention of B. W. Nunnally et al.,	639
Cross Complaint of John L. Snyder et al.,	640
Demurrer of O. & C. R. R. Co. et al., to Bill of Complaint,	677
Demurrer of Union Trust Company to Cross-Bill of Jno. L. Snyder et al.,	682
Demurrer of O. & C. R. R. Co. et al., to petition of B. W. Nunnally et al.,	685
Demurrer of O. & C. R. R. et al., to Cross-Com- plaint of Jno. L. Snyder et al.,	688
Order Submitting all Demurrers,	693
Order Overruling Demurrer to Bill of Complaint and sustaining Demurrers to Cross Complaint and Bills of Intervention,	694

Volume 2--Continued

	Page
Opinion on Demurrers,	696
Order extending time for defendants to answer,	856
Order allowing amendment to answer of O. & C. R. R. Co. et al., to Bill of Complaint,	857
Order allowing second amendment to answer of O. & C. R. R. Co. et al., to Bill of Complaint,	858
Joint and several answer of defendants O. & C. R. R., Southern Pacific Company and Stephen T. Gage,	859

INDEX TO EXHIBITS

To Joint and Several Answers of O. & C. R. R., Southern Pacific Company and Stephen T. Gage.

Exhibit.	Document.	
A	Reference to Reports of Oregon & California Railroad Company to Auditor of Railroad Accounts of the Interior Department,	922
1	Agreement between the Central Pacific Railroad Company, the Pacific Improvement Company and the Southern Pacific Company, dated October 11, 1886,	949

Volume 2--Continued

Exhibit.	Document.	Page.
2	Agreement between the Southern Pacific Company and the Central Pacific Railroad Company, dated February 17, 1885,	957
3	Agreement between the Southern Pacific Company and the Central Pacific Railroad Company, dated January 1st, 1888,	968
4	Schedule of Sales of Granted Lands, including those fulfilled by conveyances, and those yet outstanding on uncompleted contracts,	971
5	The patented lands remaining unsold in the East Side Grant, as of date April 30, 1911, in total as to counties,	987
	West Side Grant,	999
6	Schedule of unpatented lands remaining unsold April 30, 1911, described by governmental subdivision tabulated by counties,	1002
7	Statement showing right of way through unsold East Side Grant lands required for Oregon and California Railroad,	1040

Volume 2--Continued

Exhibit.	Document.	Page.
8	Schedule of unsold lands of the East Side Oregon and California Railroad Company Grant which are under reservation from sale on account of timber, iron, coal or oil, which they are known or supposed to contain and which substances are necessary to the railroad company in the operation and maintenance of its railroad,	1045
9	A few instances of deeds made by the Oregon and California Railroad Co., and expressly approved by the Interior Department of the United States, conveying more than 160 acres of land-grant Forest Reserve lands to a single purchaser, at price exceeding \$2.50 per acre,	1143
10	A few instances of suits brought by the United States against the Oregon and California Railroad Co., in the U. S. Circuit Court for the District of Oregon, to quiet title to or cancel patents for lands of the said Company's East Side Land Grant, in which the pleadings or proofs showed sales by said Company of lands in suit in quantities exceeding 160 acres to single purchasers or at prices exceeding \$2.50 per acre without objection made by the United States to any such sale because of land quantity sold to one purchaser, or sale price,	1149

Volume 2--Continued

Exhibit.	Document.	Page.
11	Schedule showing the amount of land patented, compiled by years, separately stated, and showing the Acts of Congress which are recited in such patents,	1152

TABLE OF CONTENTS**VOLUME III**

	Page
Amended Answer of Union Trust Company of New York	1165
Replication to answer of O. & C. R. R., et al.	1281
Replication to answer of Union Trust Company	1282
Order appointing special Examiner.....	1283
Order enlarging time to take Testimony.....	1284
Order enlarging time to take Testimony.....	1285
Motion to dismiss Petition and Bill in Intervention	1286
Order sustaining Motion of Complainant to dismiss Bill in Intervention.....	1287
Motion to dismiss Cross Complaint.....	1288
Order sustaining Complainant's Motion to dismiss Cross Complaint.....	1289

Volume 3—Continued

	Page
Motion of Union Trust Company to dismiss Bill in Intervention	1290
Order sustaining motion of Union Trust Com- pany to dismiss Bill in Intervention.....	1292
Motion of O. & C. R. R. Co., et al, to dismiss Cross Complaints and Bills in Intervention...	1293
Order sustaining motion of O. & C. R. R. Co., et al, to dismiss Cross Complaints and Bills in Intervention	1295
Decree	1296
SCHEDULE A	1305

Schedule describing the lands granted by the Act of Congress approved July 25, 1866 (as amended) and by the Act of Congress approved May 4, 1870, which have heretofore been patented to the defendant Oregon and California Railroad Company, and which, at the date of the institution of this suit, were unsold lands still held and claimed by the defendant Oregon and California Railroad Company, being the lands hereinbefore referred to in Subdivision (a) of Paragraph IV of this judgment and decree.

Volume 3—Continued

Page

Lands Granted by Act of July 25, 1866 (as amended)—

Tillamook County, Oregon.

South of Base Line and West of Willamette Meridian 1306

Washington County, Oregon.

South of Base Line and West of Willamette Meridian 1307

Multnomah County, Oregon.

South of Base Line and East of Willamette Meridian 1309

Yamhill County, Oregon.

South of Base Line and West of Willamette Meridian 1310

Clackamas County, Oregon.

South of Base Line and East of Willamette Meridian 1315

Volume 3—Continued

Page

Clackamas County, Oregon.

South of Base Line and West of Wil- lamette Meridian	1329
---	------

Polk County, Oregon.

South of Base Line and West of Wil- lamette Meridian	1329
---	------

Marion County, Oregon.

South of Base Line and West of Wil- lamette Meridian	1333
---	------

Marion County, Oregon.

South of Base Line and East of Wil- lamette Meridian	1334
---	------

Lincoln County, Oregon.

South of Base Line and West of Wil- lamette Meridian	1339
---	------

Benton County, Oregon.

South of Base Line and West of Wil- lamette Meridian	1340
---	------

Volume 3—Continued

	Page.
<i>Linn County, Oregon.</i>	
South of Base Line and East of Wil- lamette Meridian	1846
<i>Lane County, Oregon.</i>	
South of Base Line and East of Wil- lamette Meridian	1854
<i>Lane County, Oregon.</i>	
South of Base Line and West of Wil- lamette Meridian	1858
<i>Douglas County, Oregon.</i>	
South of Base Line and West of Wil- lamete Meridian	1889
<i>Coos County, Oregon.</i>	
South of Base Line and West of Wil- lamette Meridian	1445
<i>Curry County, Oregon.</i>	
South of Base Line and West of Wil- lamette Meridian	1457

Volume 3—Continued

Page

Josephine County, Oregon.

South of Base Line and West of Wil- lamette Meridian	1459
---	------

Jackson County, Oregon.

South of Base Line and East of Wil- lamette Meridian	1480
---	------

Jackson County, Oregon.

South of Base Line and West of Wil- lamette Meridian	1504
---	------

Klamath County, Oregon.

South of Base Line and East of Wil- lamette Meridian	1531
---	------

Lands Granted by the Act of May 4th, 1870.

Clarke County, Washington.

North of Base Line and West of Wil- lamette Meridian	1536
---	------

Volume 3—Continued

Page.

Clarke County, Washington.

North of Base Line and East of Wil- lamette Meridian	1536
---	------

Columbia County, Oregon.

North of Base Line and West of Wil- lamette Meridian	1536
---	------

Tillamook County, Oregon.

South of Base Line and West of Wil- lamette Meridian	1538
---	------

Washington County, Oregon.

North of Base Line and West of Wil- lamette Meridian	1541
---	------

Multnomah County, Oregon.

North of Base Line and West of Wil- lamette Meridian	1544
---	------

Yamhill County, Oregon.

South of Base Line and West of Wil- lamette Meridian	1545
---	------

Volume 3--Continued

Page

SCHEDULE B.

Schedule describing the right of way lands excepted from the operation of this judgment and decree being the schedule referred to in paragraph IV. hereof.

South of Base Line and West of Wil-
lamette Meridian 1546

South of Base Line and East of Wil-
lamette Meridian 1549

VOLUME IV

	Page
Statement of the Evidence	1551
Stipulation as to the Facts	1552
Subdivision I of Complainant's Bill of Complaint	1552
Subdivision II.	1553
Subdivision III.	1553
Subdivision IV.	1559
Subdivision V.	1560
Subdivision VI.	1562
Subdivision VII.	1566
Subdivision VIII.	1577
Subdivision IX.	1580
Subdivision X.	1582
Subdivision XI.	1583
Subdivision XII.	1584
Subdivision XIII.	1584
Subdivision XIV.	1585

Volume 4—Continued

	Page
Subdivision XV.	1585
Subdivision XVI.	1586
Subdivision XVII.	1586
Subdivision XVIII.	1587
Subdivision XIX.	1588
Subdivision XX.	1589
Subdivision XXI.	1590

Reports made of the Transactions of the Land Department of the Defendant Oregon and California Railroad Co., upon blanks formulated and furnished therefor by the Bureau of the Interior Department by Half Years—

For the Half Year ending Dec. 31, 1879	1595
For the Half Year ending June 30, 1880	1595
For the Half Year ending Dec. 31, 1880	1596
For the Half Year ending June 30, 1881	1596

Volume 4—Continued

	Page
For the Half Year ending Dec. 31, 1881	1597
For the Half Year ending June 30, 1882	1597
For the Half Year ending Dec. 31, 1882	1598
For the Half Year ending June 30, 1883	1598
For the Year ending June 30, 1884	1599
For the Year ending June 30, 1885	1599
For the Half Year ending Dec. 31, 1885	1600
For the Year ending Dec. 31, 1885	1600
For the Half Year ending June 30, 1886	1601
For the Half Year ending Dec. 31, 1886	1601
For the Year ending Dec. 31, 1886	1602
For the Half Year ending June 30, 1887	1602
For the Half Year ending Dec. 31, 1887	1603
For the Year ending Dec. 31, 1887	1603

vs. The United States

8693

Volume 4—Continued

	Page
For the Year ending Dec. 31, 1888	1604
For the Year ending June 30, 1889	1604
For the Year ending June 30, 1890	1605
For the Year ending June 30, 1891	1605
For the Year ending June 30, 1892	1606
For the Year ending June 30, 1893	1606
For the Year ending June 30, 1894	1607
For the Year ending June 30, 1895	1607
For the Year ending June 30, 1896	1608
For the Year ending June 30, 1897	1608
For the Year ending June 30, 1898	1609
For the Year ending June 30, 1899	1609
For the Year ending June 30, 1900	1610
For the Year ending June 30, 1901	1610

Volume 4—Continued

	Page
For the Year ending June 30, 1902	1611
For the Year ending June 30, 1903	1611
Subdivision XXII.	1623
Subdivision XXIII.	1624
Exhibit No. 1 to Stipulation	1625
Exhibit No. 2 to Stipulation	1629
Exhibit No. 3 to Stipulation	1630
Exhibit No. 4 to Stipulation	1633
Exhibit No. 5 to Stipulation	1640
Exhibit No. 6 to Stipulation	1652
Exhibit No. 7 to Stipulation	1663
Exhibit No. 8 to Stipulation	1678
Exhibit No. 9 to Stipulation	1689
Exhibit No. 10 to Stipulation	1697
Exhibit No. 11 to Stipulation	1702
Exhibit No. 12 to Stipulation	1710
Exhibit No. 13 to Stipulation	1713
Exhibit No. 14 to Stipulation	1717

vs. The United States 8695

Volume 4—Continued

	Page
Exhibit No. 15 to Stipulation	1721
Exhibit No. 16 to Stipulation	1725
Exhibit No. 17 to Stipulation	1730
Evidence	1732
Testimony for Complainant	1732
W. W. Cotton	1732
L. F. Steel	1735
Joseph Gaston	1737
Testimony S. S. Marr	1848
" J. F. Casey	1861
" Charles J. Winton	1887
" Frank Griffith	1897
" Richard Koehler	1902
Testimony for Defendants	1920
B. A. McAllaster	1920
Wm. Hood	2049
Report of Special Committee of Oregon Legisla- ture of 1866	1821
Stipulation as to Oregon Senate and House Jour- nals for 1868	1844

VOLUME V

	Page
Seventh Annual Report of the Board of Railroad Commissioners of the State of California—year ending Dec. 31, 1886.....	2085
Testimony George M. Cumming.....	2090
Stipulation	2125
Testimony C. P. Lincoln.....	2126
Testimony Robert Adams.....	2137
Testimony J. H. Sharp.....	2184
Testimony David Loring.....	2187
Testimony Charles W. Eberlein.....	2228
Testimony J. N. Sherburne.....	2404
Testimony F. W. Sercombe.....	2414
Testimony J. A. Ormandy.....	2414
Testimony A. N. Hoffman.....	2419
Testimony L. F. Steel.....	2421
Testimony Joseph Gaston.....	2422
Testimony George H. Himes.....	2443

Volume 5—Continued

	Page
Testimony J. C. Moreland.....	2461
Holladay et al. vs Elliott et al.....	2478
Testimony Wm. Singer.....	2507
Opinion of Attorney General Brewster June 15, 1882	2512
Stipulation as to judicial notice being taken of pro- ceedings in "Innocent Purchasers Suits"	2528
Stipulation as to date of completion of California and Oregon R. R. to Southern boundary line of Oregon	2530
Stipulation as to judicial notice of decisions, rules and regulations and reports to Congress of In- terior Department and also reports and action of congress thereon	2531
Stipulation as to recording of Deeds and Mort- gages	2531
Stipulation as to admission in evidence of certified copies of Deeds.....	2534

Volume 5—Continued

	Page
Stipulation to avoid defect of parties defendant. . .	2534
Stipulation as to judicial notice in cases of U. S. vs. O. & C. R. R. et al. U. S. vs. Oregon Rail- road Co. et al.	2534
Stipulation as to Deed executed to A. G. Cunning- ham, also Deed O. & C. R. R. Co. to City of Portland	2543
Stipulation as to investigation and report of the Water Board, City of Portland, April 7, 1891.	2543
Form of First Mortgage Construction Bonds of Oregon Central Railroad Co.	2544
Form of First Mortgage Bond of O. & C. R. R. Co.	2548
Testimony A. K. Slocum.	2551
Testimony J. B. Eddy.	2552
Testimony P. A. Worthington.	2572
Testimony R. A. Booth.	2577
Testimony A. C. Dixon.	2637
Hearings before Committee of House of Repre- sentatives March 12-14, 1908.	2640

VOLUME VI

Page

Hearings before the Committee on Public Lands,
House of Representatives, on House Resolution
22002, April 2, and May 2, 6, 8 and 25, 1912 . . 2669

Statement of A. C. Dixon 2670

Testimony of F. A. Elliott 2714

Government's Exhibit 122, Statement of F. A. El-
liott 2742

Testimony Homer D. Angell 2764

Properties and uses of Douglas Fir—

Part I, Mechanical Properties.

Part II, Commercial uses by

McGarvey Cline and J. B. Knapp 2789

Testimony A. W. Rees 2800

“ S. C. Bruce 2825

“ L. D. McLeod 2832

Volume 6—Continued

	Page
Testimony W. J. Lander.....	2845
“ D. C. McLennan.....	2858
“ Roy Woods	2870
“ C. M. Stites.....	2878
“ C. W. Kempton.....	2889
“ Alick Wilkinson	2897
“ Ben Irwin	2899
“ Frederick A. Kribs.....	2909
“ W. R. Whipple.....	2934
“ Fred H. McClure.....	2942
“ B. A. Gifford.....	2950
“ Elmer S. Shank	2957
“ R. L. Booth	2969
“ H. W. Scott	2972
“ Geo. W. Jones.....	2989
“ J. D. Zurcher.....	2994

Volume 6—Continued

	Page
Testimony C. H. Stewart.....	3007
“ W. H. Fallin.....	3015
“ Irvine P. Gardner	3025
“ Willis Vidito	3058
“ Dennis McCarthy	3068
“ J. F. Nelson	3098
“ J. T. Gray.....	3119
“ W. V. Fuller.....	3127
“ R. B. Hunt.....	3138
“ Jackson F. Kimball.....	3164
“ Milford Jacobs	3178
“ W. T. Grieve.....	3199
“ W. E. Ball.....	3228

— 2 —

VOLUME VII

	Page
Evidence in Rebuttal for Complainant.....	3245
Testimony Michael Keibelbeck.....	3245
Cross Examination.....	3252
Re-Direct Examination	3255
Testimony O. J. Lawrence.....	3257
Cross Examination.....	3264
Re-Direct Examination.....	3277
Re-Cross Examination.....	3281
Re-Direct Examination.....	3290
Re-Cross Examination.....	3292
Re-Direct Examination.....	3293
Re-Cross Examination.....	3294
Testimony James Whitford.....	3294
Cross Examination.....	3296

Volume 7--Continued

	Page
Testimony N. H. Martin.....	3300
Cross Examination.....	3310
Re-Direct Examination.....	3326
Re-Cross Examination.....	3330
Re-Direct Examination.....	3333
Re-Cross Examination.....	3335
Re-Direct Examination.....	3337
Re-Cross Examination.....	3337
Testimony A. Creason.....	3338
Cross Examination.....	3350
Re-Direct Examination.....	3363
Re-Cross Examination.....	3366
Testimony Cal. Hileman.....	3367
Cross Examination.....	3372
Re-Direct Examination.....	3380
Re-Cross Examination.....	3381
Re-Direct Examination.....	3388

Volume 7—Continued

	Page
Testimony J. P. Currin.....	3389
Cross Examination.....	3393
Re-Direct Examination.....	3405
Re-Cross Examination.....	3408
Re-Direct Examination.....	3409
 Testimony W. C. Tipton.....	 3409
Cross Examination.....	3412
Re-Direct Examination.....	3419
Re-Cross Examination.....	3422
Re-Direct Examination.....	3426
Re-Cross Examination.....	3426
 Testimony W. H. Miller.....	 3427
Cross Examination.....	3434
Re-Direct Examination.....	3441

Volume 7—Continued

	Page
Testimony W. J. Pengra.....	3442
Cross Examination.....	3446
Re-Direct Examination.....	3448
Testimony W. A. Renne.....	3449
Cross Examination.....	3452
Re-Direct Examination.....	3461
Re-Cross Examination.....	3464
Re-Direct Examination.....	3465
Testimony C. L. Standinger.....	3465
Cross Examination.....	3470
Re-Direct Examination.....	3476
Testimony E. E. Quick.....	3477
Cross Examination.....	3488
Re-Direct Examination.....	3494

Volume 7—Continued

	Page
Testimony C. F. Carter.....	3496
Cross Examination.....	3498
Testimony D. P. Caldwell.....	3501
Cross Examination.....	3504
Testimony U. S. Dix.....	3508
Cross Examination.....	3512
Re-Direct Examination.....	3517
Re-Cross Examination.....	3518
Testimony J. L. Boyle.....	3519
Cross Examination.....	3523
Re-Direct Examination.....	3532
Testimony J. H. Turner.....	3534
Cross Examination.....	3536
Testimony John Zeek.....	3538
Cross Examination.....	3542
Re-Direct Examination.....	3549

Volume 7--Continued

	Page
Testimony W. H. Kandle.....	3551
Cross Examination.....	3556
Re-Direct Examination.....	3557
Re-Cross Examination.....	3559
 Testimony A. W. Riggs.....	 3560
Cross Examination.....	3564
Re-Direct Examination.....	3566
Re-Cross Examination.....	3567
Re-Direct Examination.....	3567
Re-Cross Examination.....	3568
 Testimony W. R. Lamb.....	 3568
Cross Examination.....	3575
Re-Direct Examination.....	3587
Re-Cross Examination.....	3587
Re-Direct Examination.....	3588

Volume 7—Continued

	Page
Testimony Charles Randles.....	3589
Cross Examination.....	3600
Re-Direct Examination.....	3609
Testimony Charles A. Edmondson.....	3611
Cross Examination.....	3615
Re-Direct Examination.....	3620
Re-Cross Examination.....	3620
Re-Direct Examination.....	3622
Re-Cross Examination.....	3622
Re-Direct Examination.....	3623
Testimony W. T. Houston.....	3623
Cross Examination.....	3627
Re-Direct Examination.....	3635
Testimony William Brenner.....	3636
Testimony J. W. Hays.....	3639
Cross Examination.....	3643
Re-Direct Examination.....	3648

Volume 7--Continued

	Page
Testimony J. W. Kelsoe.....	3649
Cross Examination.....	3651
Re-Direct Examination.....	3657
Re-Cross Examination.....	3658
Testimony W. A. Bogard.....	3659
Cross Examination.....	3669
Re-Direct Examination.....	3676
Re-Cross Examination.....	3678
Re-Direct Examination.....	3681
Testimony B. F. Shields.....	3681
Cross Examination.....	3687
Re-Direct Examination.....	3688
Testimony James S. Bailey.....	3688
Cross Examination.....	3697
Re-Direct Examination.....	3708
Re-Cross Examination.....	3712
Re-Direct Examination.....	3716

Volume 7--Continued

	Page
Testimony Grant Taylor.....	3718
Cross Examination.....	3720
Re-Direct Examination.....	3722
Re-Cross Examination.....	3722
 Testimony G. E. Keller.....	 3722
Cross Examination.....	3724
Re-Direct Examination.....	3727
Re-Cross Examination.....	3729
Re-Direct Examination.....	3731
 Testimony John Neuner.....	 3731
Cross Examination.....	3735
Re-Direct Examination.....	3741
Re-Cross Examination.....	3744
Re-Direct Examination.....	3744
Re-Cross Examination.....	3744
Re-Direct Examination.....	3746

Volume 7--Continued

	Page
Testimony H. J. Miller.....	3747
Cross Examination.....	3749
Re-Direct Examination.....	3756
 Testimony O. M. Carlson.....	 3758
Cross Examination.....	3760
Re-Direct Examination.....	3763
Re-Cross Examination.....	3765
Re-Direct Examination.....	3766
Re-Cross Examination.....	3766
Re-Direct Examination.....	3767
Re-Cross Examination.....	3768
 Testimony John Thomas Deadmond.....	 3768
Cross Examination.....	3775
Re-Direct Examination.....	3781

VOLUME VIII

Testimony J. E. Kennerly.....	3789
Cross Examination.....	3791
Re-Direct Examination.....	3797
Re-Cross Examination.....	3797
Re-Direct Examination.....	3797
Re-Called Direct Examination.....	3798
Cross Examination.....	3799
 Testimony J. M. Withrow.....	 3800
Cross Examination.....	3804
Re-Direct Examination.....	3809
Re-Cross Examination.....	3810
Re-Direct Examination.....	3814
 Testimony James W. Kinman.....	 3815
Cross Examination.....	3818
Re-Direct Examination.....	3822
Re-Cross Examination.....	3822

Volume 8--Continued

	Page
Re-Direct Examination.....	3823
Re-Cross Examination.....	3823
Re-Direct Examination.....	3824
Testimony F. M. Wilkes.....	3824
Cross Examination.....	3829
Re-Direct Examination.....	3831
Re-Cross Examination.....	3832
Re-Direct Examination.....	3832
Stipulation R. G. Balderee.....	3833
Stipulation E. C. Lake.....	3835
Testimony C. W. Mariels.....	3836
Cross Examination.....	3841
Re-Direct Examination.....	3858
Re-Cross Examination.....	3859
Testimony Andrew Anderson.....	3860
Cross Examination.....	3862
Re-Direct Examination.....	3866

Volume 8—Continued

	Page
Testimony T. W. Grant.....	3866
Cross Examination.....	3869
Re-Direct Examination.....	3871
Testimony D. McLafferty.....	3872
Direct Examination.....	3872
Cross Examination.....	3881
Re-Direct Examination.....	3902
Re-Cross Examination.....	3907
Re-Direct Examination.....	3908
Testimony F. G. McWilliams.....	3908
Cross Examination.....	3915
Re-Direct Examination.....	3925
Testimony H. S. Palmerlee.....	3926
Cross Examination.....	3930
Testimony James F. Wilson.....	3934
Cross Examination.....	3938

Volume 8--Continued

	Page.
Testimony William Cochran.....	3941
Cross Examination.....	3943
Re-Direct Examination.....	3945
Re-Cross Examination.....	3945
Re-Direct Examination.....	3946
 Testimony Josiah H. Beeman.....	 3946
Cross Examination.....	3957
Re-Direct Examination.....	3974
Re-Cross Examination.....	3975
Re-Called Direct Examination.....	3976
Cross Examination.....	3977
Re-Direct Examination.....	3979
 Testimony George W. Kearns.....	 3980
Cross Examination.....	3988
Re-Direct Examination.....	3999
Re-Cross Examination.....	4002

Volume 8—Continued

	Page
Testimony Thomas Benton Masters.....	4002
Cross Examination.....	4005
Re-Direct Examination.....	4011
Testimony J. N. Switzer.....	4011
Cross Examination.....	4015
Re-Direct Examination.....	4023
Testimony F. J. Steward.....	4027
Cross Examination.....	4031
Re-Direct Examination.....	4035
Re-Cross Examination.....	4037
Testimony H. S. Maloney.....	4037
Cross Examination.....	4050
Re-Direct Examination.....	4052
Re-Cross Examination.....	4052
Testimony H. Shelton.....	4053
Cross Examination.....	4056
Re-Direct Examination.....	4059
Re-Cross Examination.....	4060

Volume 8--Continued

	Page.
Testimony W. H. Young.....	4060
Cross Examination.....	4062
Re-Direct Examination.....	4065
Re-Cross Examination.....	4066
Re-Direct Examination.....	4067
Re-Cross Examination.....	4067
Re-Direct Examination.....	4068
Testimony N. I. Morrison.....	4068
Cross Examination.....	4071
Re-Direct Examination.....	4078
Testimony C. E. Clark.....	4079
Cross Examination.....	4085
Re-Direct Examination.....	4091
Re-Cross Examination.....	4092
Re-Direct Examination.....	4098
Re-Cross Examination.....	4094
Re-Direct Examination.....	4098

Volume 8—Continued

	Page.
Testimony C. S. Jackson.....	4099
Cross Examination.....	4109
Re-Direct Examination.....	4129
Re-Called Re-Direct Examination.....	4130
Testimony E. J. Mahan.....	4132
Cross Examination.....	4140
Re-Direct Examination.....	4149
Re-Cross Examination.....	4151
Testimony S. N. Warfield.....	4152
Cross Examination.....	4167
Re-Direct Examination.....	4173
Re-Cross Examination	4175
Re-Direct Examination	4175
Testimony I. B. Spiker.....	4176
Cross Examination.....	4185
Re-Direct Examination.....	4198

Volume 8—Continued

	Page
Testimony W. B. Sherman.....	4199
Cross Examination.....	4226
Re-Direct Examination.....	4250
Re-Cross Examination.....	4250
Re-Direct Examination.....	4251
Stipulation E. J. Grover.....	4258
Stipulation M. F. McCown.....	4259
Stipulation Charles M. Collier.....	4261
Stipulation Charles V. Galloway.....	4263
Stipulation John W. Kelly.....	4265
Testimony B. D. Townsend.....	4268
Testimony of Defendants in Rebuttal.....	4276
Testimony Fred H. McClure.....	4276
Re-Called Direct Examination	4276
Cross Examination.....	4276
Re-Direct Examination.....	4277

VOLUME IX

Page.

GOVERNMENT'S EXHIBIT 100—A.....4285

Stockholders' meeting Oregon Central RR. Co.
(West Side) May 24, 1867.....4286

Directors' meeting Oregon Central RR. Co. (West
Side) May 25, 1867.....4286

Directors' meeting Oregon Central RR. Co. (West
Side) Aug. 29, 1867.....4288

Directors' meeting Oregon Central RR. Co. (West
Side) Sept. 14, 1867.....4289

Directors' meeting Oregon Central RR. Co. (West
Side) Sept. 24, 1867.....4290

Directors' meeting Oregon Central RR. Co. (West
Side) Sept. 25, 1867.....4290

Directors' meeting Oregon Central RR. Co. (West
Side) Dec. 16, 1867.....4301

Directors' meeting Oregon Central RR. Co. (West
Side) Feb. 13, 1868.....4302

Volume 9—Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) Feb. 14, 1868 (spreading the Articles of Incorporation on the Minute Books of the Company)	4304
Designation by Incorporators of Jos. Gaston to open stock books and receive subscriptions. . . .	4308
Certificate of Election of first Board of Directors dated May 24, 1867.....	4310
Oaths of Office of Directors.....	4311
Agreement of date Feb. 14, 1868 with City of Portland	4317
Ordinance No. 468 City of Portland. Approved Feb. 6, 1868.....	4320
Directors' meeting Oregon Central RR. Co. (West Side) Mar. 11, 1868.....	4329
Agreement March 5, 1868 between Washington Co. and Oregon Central RR. Co.....	4330

Volume 9—Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) Apr. 18, 1868.....	4340
Directors' meeting Oregon Central RR. Co. (West Side) Apr. 24, 1868.....	4341
Directors' meeting Oregon Central RR. Co. (West Side) May 15, 1868.....	4341
Directors' meeting Oregon Central RR. Co. (West Side) May 15, 1868.....	4342
Ann. Stkhldrs. meeting Oregon Central RR Co. (West Side) May 25, 1868.....	4343
First Annual Report of Oregon Central RR Co. of date May 25, 1868.....	4345
Directors' meeting Oregon Central RR. Co. (West Side) June 1, 1868.....	4355
Form of First Mortgage Bonds.....	4356
Form of Mortgage of June 1, 1868.....	4358

Volume 9--Continued

	Page.
Directors' meeting Oregon Central RR. Co. (West Side) June 27, 1868.....	4377
Agreement of date June 19, 1868 between Yamhill Co. and Oregon Central RR. Co. (West Side).	4379
Directors' meeting Oregon Central RR. Co. (West Side) Aug. 25, 1868.....	4392
Directors' meeting Oregon Central RR. Co. (West Side) Oct. 31, 1868.....	4394
Directors' meeting Oregon Central RR. Co. (West Side) Dec. 28, 1868.....	4398
Directors' meeting Oregon Central RR. Co. (West Side) Mar. 10, 1869.....	4399
Directors' meeting Oregon Central RR. Co. (West Side) Apr. 2, 1869.....	4400
Directors' meeting Oregon Central RR. Co. (West Side) Apr. 20, 1869.....	4401

Volume 9—Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) May 25, 1869.....	4401
Contract with S. G. Reed of date Oct. 31, 1868 rescinded	4401
Annual Stockholders' meeting Oregon Central RR. Co. (West Side) May 25, 1869.....	4403
Directors' meeting Oregon Central RR. Co. (West Side) July 5, 1869.....	4405
Directors' meeting Oregon Central RR. Co. (West Side) Aug. 28, 1869.....	4405
Directors' meeting Oregon Central RR. Co. (West Side) Nov. 18, 1869.....	4406
Directors' meeting Oregon Central RR. Co. (West Side) Jan. 12, 1870.....	4409
Directors' meeting Oregon Central RR. Co. (West Side) Mar. 15, 1870.....	4411
Annual Stockholders' meeting Oregon Central RR. Co. (West Side) May 25, 1870.....	4412

Volume 9—Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) July 2, 1870.....	4413
Resolution June 28, 1870 ratifying subscription of Jos. Gaston to capital stock of Company amounting to 23500 shares.....	4414
Rescission of contract of date Mar. 16, 1868 with Washington County.....	4414
Resolution of Board of Directors accepting an Act of Congress "Granting Lands to Aid in the Construction of a Railroad and Telegraph Line from Portland to Astoria and McMinnville", etc.....	4415
Directors' meeting Oregon Central RR. Co. (West Side) July 9, 1870.....	4416
Directors' meeting Oregon Central RR. Co. (West Side) Aug. 13, 1870.....	4419
Special Stockholders' meeting Oregon Central RR. Co. (West Side) Aug. 13, 1870.....	4422

Volume 9--Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) Aug. 15, 1870.....	4424
Communication dated Aug. 15, 1870 from Ben Holladay, as Pres. of the Willamette Valley Ry. Co., proposing to purchase all the right, title and interest of the Oregon Central RR. Co. in and to an Act "Granting Lands to Aid in the Construction of a Railroad and Telegraph Line from Portland to Astoria and McMinnville in the State of Oregon", etc.	4425
Resolution accepting the proposition of the Willamette Valley Ry. Co.....	4427
Directors' meeting Oregon Central RR. Co. (West Side) Sept. 7, 1870.....	4431
Directors' meeting Oregon Central RR. Co. (West Side) Sept. 29-30, 1870.....	4434
Directors' meeting Oregon Central RR. Co. (West Side) Mar. 27, 1871.....	4435

Volume 9—Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) Apr. 10, 1871.....	4437
Directors' meeting Oregon Central RR. Co. (West Side) Apr. 17, 1871 (accepting transfer from the Willamette Valley Ry. Co. on that date to the Oregon Central RR. Co. of the lands, grants, franchises and privileges granted to the Oregon Central RR. Co. by the Act of Congress approved Mar. 4, 1870.....	4439
Annual Stockholders' meeting Oregon Central RR. Co. (West Side) May 25, 1871.....	4441
Directors' meeting Oregon Central RR. Co. (West Side) May 25, 1871.....	4454
Directors' meeting Oregon Central RR. Co. (West Side) June 5, 1871.....	4455
Copy of deed of date April 17, 1871, from Willamette Valley Ry. Co. to Oregon Central RR. Co.	4457

Volume 9—Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) June 13, 1871.....	4464
Directors' meeting Oregon Central RR. Co. (West Side) July 8, 1871.....	4470
Directors' meeting Oregon Central RR. Co. (West Side) July 11, 1871.....	4470
Resolution authorizing bonds to be prepared and issued in the sum of \$4,395,000. for construction of 146½ miles of railroad, Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yamhill River near McMinnville in the State of Oregon, adopted July 11, 1871.....	4471
Mortgage of July 15, 1871 to Milton S. Latham and Faxon D. Atherton, adopted and executed	4478
Directors' meeting Oregon Central RR. Co. (West Side) Sept. 4, 1871.....	4501

Volume 9—Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) Sept. 15, 1871.....	4502
Directors' meeting Oregon Central RR. Co. (West Side) Dec. 4-22, 1871.....	4506
Directors' meeting Oregon Central RR. Co. (West Side) Jan. 9, 1872.....	4507
By-Laws of the Oregon Central RR. Co. adopted Jan. 9, 1872.....	4508
Annual Stockholders' meeting Oregon Central RR. Co. (West Side) May 23, 1872.....	4541
Directors' meeting Oregon Central RR. Co. (West Side) June 13, 1872.....	4546
Directors' meeting Oregon Central RR. Co. (West Side) Dec. 24, 1872.....	4555
Directors' meeting Oregon Central RR. Co. (West Side) Mar. 24, 1873.....	4558
Directors' meeting Oregon Central RR. Co. (West Side) May 22, 1873.....	4561

Volume 9—Continued

	Page
Adj. Annual Stockholders' meeting Oregon Central RR. Co. (West Side) June 24, 1873 . . .	4562
Directors' meeting Oregon Central RR. Co. (West Side) Sept. 1, 1873	4569
Directors' meeting Oregon Central RR. Co. (West Side) Nov. 5, 1873	4573
Directors' meeting Oregon Central RR. Co. (West Side) Jan. 3, 1874	4574
Directors' meeting Oregon Central RR. Co. (West Side) May 27, 1874	4575
Ann. Stkhldrs. meeting Oregon Central RR Co. (West Side) May 28, 1874	4576
Directors' meeting Oregon Central RR. Co. (West Side) July 25, 1874	4581
Contract and resolution relating to the Oregon & California RR. Co. Heinrich Hohenemser and others, adopted July 25, 1874	4582

Volume 9—Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) Feb. 9, 1875.....	4591
Directors' meeting Oregon Central RR. Co. (West Side) Mar. 12, 1875.....	4592
Annual Stockholders' meeting Oregon Central RR. Co. (West Side) May 27, 1875.....	4595
Resolution condemning management of the Oregon Central RR Co. by Ben Holladay, adopted by stockholders May 27, 1875.....	4601
Directors' meeting Oregon Central RR. Co. (West Side) May 27, 1875.....	4602
Annual Stockholders' meeting Oregon Central RR. Co. (West Side) May 27, 1875.....	4606
Directors' meeting Oregon Central RR. Co. (West Side) May 31, 1875.....	4609
Resolution adopted directing Secretary to demand from J. Gaston, former secretary, the seal of the Company and all books, papers, records, and other property in his possession May 31, 1875	4610

Volume 9--Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) July 10, 1875.....	4610
Directors' meeting Oregon Central RR. Co. (West Side) July 13, 1875.....	4614
Directors' meeting Oregon Central RR. Co. (West Side) Sept. 15, 1875.....	4618
Directors' meeting Oregon Central RR. Co. (West Side) Feb. 23, 1876.....	4619
Directors' meeting Oregon Central RR. Co. (West Side) Apr. 7, 1876.....	4621
Directors' meeting Oregon Central RR. Co. (West Side) Apr. 20, 1876.....	4623
Preamble and Resolution authorizing the execution of mortgage of March 1, 1876, to W. D. Shipman and S. L. M. Barlow.....	4630
Directors' meeting Oregon Central RR. Co. (West Side) Apr. 29, 1876 accepting resignation of Ben Holladay	4662

Volume 9—Continued

	Page
Henry Villard elected and qualified as director Apr. 29, 1876.....	4663
R. Koehler elected and qualified as a director Apr. 29, 1876.....	4665
Directors' meeting Oregon Central RR. Co. (West Side) May 10, 1876.....	4679
Annual Stockholders' meeting Oregon Central RR. Co. (West Side) May 25, 1876.....	4688
Directors' meeting Oregon Central RR. Co. (West Side) May 30, 1876.....	4686
Directors' meeting Oregon Central RR. Co. (West Side) Aug. 9, 1876.....	4700
Directors' meeting Oregon Central RR. Co. (West Side) Aug. 30, 1876.....	4702
Directors' meeting Oregon Central RR. Co. (West Side) Jan. 10, 1877.....	4731
Directors' meeting Oregon Central RR. Co. (West Side) Mar. 14, 1877.....	4733

Volume 9—Continued

Page

Directors' meeting Oregon Central RR. Co. (West
Side) May 9, 1877.....4736

Annual Stockholders' meeting Oregon Central RR.
Co. (West Side) May 24, 1877.....4753

Directors' meeting Oregon Central RR. Co. (West
Side) June 13, 1877.....4756

Directors' meeting Oregon Central RR. Co. (West
Side) Apr. 25, 1878.....4762

Directors' meeting Oregon Central RR. Co. (West
Side) May 8, 1878.....4773

Resignation of R. Koehler, Director, accepted May
8, 1878.....4774

Annual Stockholders' meeting Oregon Central RR.
Co. (West Side) May 23, 1878.....4776

Directors' meeting Oregon Central RR. Co. (West
Side) July 10, 1878.....4781

Volume 9—Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) Nov. 7, 1878.....	4785
Directors' meeting Oregon Central RR. Co. (West Side) Feb. 28, 1879.....	4796
Annual Stockholders' meeting Oregon Central RR. Co. (West Side) May 22, 1879.....	4798
Directors' meeting Oregon Central RR. Co. (West Side) May 22, 1879.....	4802
Directors' meeting Oregon Central RR. Co. (West Side) Sept. 1, 1879.....	4804
Agreement between Oregon Central RR. Co. and Western Oregon Railroad Co. dated Sept. 1, 1879 authorized.....	4805
Annual Stockholders' meeting Oregon Central RR. Co. (West Side) May 27, 1880.....	4819
Directors' meeting Oregon Central RR. Co. (West Side) May 24, 1880.....	4822

Volume 9—Continued

	Page
Directors' meeting Oregon Central RR. Co. (West Side) June 28, 1880.....	4829
Directors' meeting Oregon Central RR. Co. (West Side) Sept. 8, 1880.....	4833
Communication from Oregon & California RR. Co. Sept. 8, 1880 presented to the Board of Directors of the Oregon Central RR. Co.....	4838
Proposition of Oregon & California RR. Co. accepted	4841
Special Stockholders' meeting Oregon Central RR. Co. (West Side) Oct. 6, 1880.....	4845
Proceedings of Board of Directors of Oregon Central RR. Co. in relation to the proposition of the Oregon & California RR. Co. to purchase the property of the Oregon Central RR. Co. approved and confirmed October 6, 1880.....	4869
Resolution of dissolution of the Oregon Central RR. Co. adopted Oct. 6, 1880.....	4871

Volume 9—Continued

	Page
Adj. Directors' meeting Oregon Central RR. Co. (West Side) Oct. 6, 1880.....	4872
Resolution of Board of Directors adopting the proposition of the Oregon & California RR. Co. for the purchase of the property of the Oregon Central RR. Co. adopted Oct. 6, 1880.	4872
Directors' meeting Oregon Central RR. Co. (West Side) May 28, 1883.....	4874
Annual Stockholders' meeting Oregon Central RR. Co. (West Side) May 23, 1895.....	4877
Directors' meeting Oregon Central RR. Co. (West Side) May 27, 1895.....	4881

VOLUME X

Page

GOVERNMENT'S EXHIBIT 100-B.....4893

Index to Minute Book Oregon
Central RR. Co. (East Side) 4893

Organization Oregon Central
RR. Co. (East Side) Apr. 22, 1867 4895

Directors' meeting Oregon Cen-
tral RR. Co. (East Side) Apr. 23, 1867 4898

Adoption By-Laws Oregon Cen-
tral RR. Co. (East Side) Apr. 23, 1867 4899

Resolution authorizing construc-
tion contract with Albert J.
Cook Apr. 23, 1867 4906

Contract April 23, 1867 A. J.
Cook with Oregon Central
Railroad Co. (East Side) ... 4907

Form of bond Oregon Central
RR. Co. adopted..... Apr. 23, 1867 4914

Volume 10--Continued

	Page.
Resolution authorizing execution first mortgage on first 150 miles	Apr. 23, 1867 4918
Directors' meeting Oregon Cen- tral RR. Co. (East Side)	Nov. 27, 1867 4921
Supplemental agreement A. J. Cook & Co. authorized.....	Nov. 27, 1867 4922
Form of supplemental agree- ment A. J. Cook & Co. author- ized	Nov. 27, 1867 4922
Ann. Stockholders' meeting Oregon Central RR. Co. (East Side)	Apr. 7, 1868 4928
Adj. Ann. Stockholders' meet- ing Oregon Central RR. Co. (East Side)	Apr. 15, 1868 4929
Amendment to By-Laws Ore- gon Central RR. Co. (East Side)	Apr. 15, 1868 4930
Election of directors Oregon Central RR. Co. (East Side)	Apr. 15, 1868 4932

Volume 10--Continued

	Page.
Directors' meeting Oregon Central RR. Co. (East Side) Apr. 15, 1868	4934
Breaking of ground Oregon Central RR. Co. (East Side) Apr. 16, 1868	4939
Ceremonies relating to Breaking of Ground Apr. 16, 1868	4941
Address J. H. Mitchell at Breaking of Ground Apr. 16, 1868	4948
Address of J. N. Dolph at Breaking of Ground Apr. 16, 1868	4968
Directors' meeting Oregon Central RR. Co. (East Side) . . . Apr. 17, 1868	4976
Directors' meeting Oregon Central RR. Co. (East Side) . . . Apr. 28, 1868	4986
Directors' meeting Oregon Central RR. Co. (East Side) Apr. 29, 1868	4988

Volume 10--Continued

	Page.
Memo. agreement May 12, 1868 Oregon Central RR. Co.. (East Side) with A. J. Cook & Co.	4989
Directors' meeting Oregon Cen- tral RR. Co. (East Side) June 9, 1868	4998
Supplemental contract A. J. Cook & Co. June 10, 1868	5004
Directors' meeting Oregon Cen- tral RR. Co. (East Side) ... July 4, 1868	5007
Directors' meeting Oregon Cen- tral RR. Co. (East Side) Aug. 11, 1868	5011
Directors' meeting Oregon Cen- tral RR. Co. (East Side) ... Sept. 8, 1868	5013
Directors' meeting Oregon Cen- tral RR. Co. (East Side) Sept. 15, 1868	5015

Volume I0--Continued

	Page
Report Committee recommend- ing transfer of contracts A. J. Cook & Co. to Ben Holladay & Co.	Sept. 16, 1868 5016
Directors' meeting Oregon Cen- tral RR. Co. (East Side)	Oct. 13, 1868 5018
Directors' meeting Oregon Cen- tral RR. Co. (East Side)	Oct. 15, 1868 5020
Directors' meeting Oregon Cen- tral RR. Co. (East Side)	Nov. 25, 1868 5028
Resolution assenting to Act of Congress July 25, 1866, adopted	Nov. 25, 1868 5026
Directors' meeting Oregon Cen- tral RR. Co. (East Side)	Jan. 12, 1869 5028
Amendment By-Laws Adopted Oregon Central RR. Co. (East Side)	Jan. 12, 1869 5029
Directors' meeting Oregon Cen- tral RR. Co. (East Side)	Feb. 9, 1869 5032

Volume 10—Continued

	Page
Directors' meeting Oregon Central RR. Co. (East Side) Mar. 9, 1869	5035
Directors' meeting Oregon Central RR. Co. (East Side) Apr. 5, 1869	5036
Directors' meeting Oregon Central RR. Co. (East Side) Apr. 6, 1869	5038
Ann. Stockholders' meeting Oregon Central RR. Co. (East Side) Apr. 6, 1869	5041
Election of Directors Oregon Central RR. Co. (East Side) Apr. 6, 1869	5045
Amendment to By-Laws Oregon Central RR. Co. (East Side) Apr. 6, 1869	5047
Directors' meeting Oregon Central RR. Co. (East Side) Apr. 6, 1869	5048
Directors' meeting Oregon Central RR. Co. (East Side) June 8, 1869	5051

Volume 10—Continued

	Page
Resolution accepting all provisions of Act of July 25, 1866 and all acts amendatory thereof, adopted	June 8, 1869 5052
Directors' meeting Oregon Central RR. Co. (East Side)	Sept. 7, 1869 5058
Communication from Ben Holladay & Co.	Sept. 7, 1869 5059
Agreement between Ben Holladay & Co. and others	Sept. 7, 1869 5065
Directors' meeting Oregon Central RR. Co. (East Side)	Mar. 8, 1870 5069
Directors' meeting Oregon Central RR. Co. (East Side)	Mar. 14, 1870 5069
Directors' meeting Oregon Central RR. Co. (East Side)	Mar. 28, 1870
to act upon proposition of Ben Holladay & Co. that date	5072

Volume 10—Continued

	Page
Resolution accepting proposition of Ben Holladay & Co... Mar. 28, 1870	5081
Communication from Oregon & California RR. Co..... Mar. 28, 1870	5084
Agreement between Oregon Central RR. Co. (East Side) and Ben Holladay & Co..... Mar. 28, 1870	5090
Agreement between Oregon Central RR. Co. and Oregon & California RR. Co..... Mar. 28, 1870	5095
Stockholders' meeting Oregon Central RR. Co. (East Side) Mar. 28, 1870	5105
Resolution dissolving Oregon Central RR. Co. (East Side) adopted Mar. 28, 1870	5107
Resolution authorizing transfer of property Oregon Central RR. Co. (East Side) to Oregon & California RR. Co..... Mar. 28, 1870	5107

Volume 10—Continued

Page

Directors' meeting Oregon Central RR. Co. (East Side) Mar. 29, 1870 5117

Stock Book Oregon Central RR. Co. (East Side) 5122

Register of bonds of Oregon Central RR. Co. (East Side) Series "A" 5129

GOVERNMENT'S EXHIBIT 101

Special message Gov. Woods
Oct. 6, 1866, urging action
in regard to the Oregon
Central RR. Co. 5146

GOVERNMENT'S EXHIBIT 102

Circular issued by Board of
Directors Oregon Central
RR. Co. (West Side) of
date Jan. 1, 1868. 5151

Volume 10—Continued

Page

GOVERNMENT'S EXHIBIT 103

Circular issued by Oregon
Central RR. Co. (West
Side) signed by J. Gaston,
President, and others May 1, 1868 5153

GOVERNMENT'S EXHIBIT 104

Address to the people of Ore-
gon by the Oregon Central
RR. Co. at Salem, issued . . May 1, 1868 5158

GOVERNMENT'S EXHIBIT 105

Statement of facts relative to
the incorporation and or-
ganization of the Oregon
Central RR. Co. of Salem,
Oregon 5176

GOVERNMENT'S EXHIBIT 106

Inside history of the Oregon
Central Railroad C o m-
panies 5228

Volume 10--Continued

Page

GOVERNMENT'S EXHIBIT 107

Remonstrance to Congress
against extending time for
filing assent to the Act
granting lands to the Ore-
gon Central RR. Co., sign-
ed by S. G. Reed and others.

5292

GOVERNMENT'S EXHIBIT 108

Objections to the passage of
Senate Bill No. 94 to amend
the Act of July 25, 1866...

5298

GOVERNMENT'S EXHIBIT 109

Correspondence between
Joseph S. Wilson, Presi-
dent European & Oregon
Land Co., Ben Holladay,
George H. Williams, At-
torney General, C. Delano,
Secretary of the Interior,
and Willis Drummond,
Commissioner of the Gen-
eral Land Office, relating
to the construction of the
act of April 10, 1869.....

5322

Volume 10—Continued

Page

GOVERNMENT'S EXHIBIT 109—A

Letter of April 20, 1872,
transmitting papers refer-
red to in Government's Ex-
hibit 109, from George H.
Williams to Willis Drum-
mond

5363

GOVERNMENT'S EXHIBIT 109—B

Certified copies letter May
20, 1872, Willis Drummond
to George H. Williams, ac-
knowledging receipt of
papers transmitted with
Government's Exhibit 109
—A; letter June 14, 1872,
Drummond to Williams, re-
turning papers and trans-
mitting copy of opinion of
Secretary of Interior.....

5365

GOVERNMENTS' EXHIBIT 109—C

Certified copy opinion of C.
Delano, Secretary of the
Interior, as to meaning of

Volume 10--Continued

Page.

last proviso in the act of
April 10, 1869, forwarded
to Willis Drummond, Com-
missioner General Land
Office, June 5, 1872.....

5368

GOVERNMENT'S EXHIBIT 109—D

Copy letter July 16, 1872,
Drummond to Williams,
(109—C)

5370

GOVERNMENT'S EXHIBIT 110

Selection list of lands under
acts of July 25, 1866 and
May 4, 1870, giving date of
lists or selections, List or
Selection number, Area in
Acres, Date of Approval by
Secretary, and Number and
Date of Patent.....

5374

GOVERNMENT'S EXHIBIT 111

Form of Selection List used
by O. & C. R. R. Co. under

Volume 10—Continued

	Page.
act of July 25, 1866, July 12, 1870, to 1876. I. R. Moores, Land Agent.	5405
GOVERNMENT'S EXHIBIT 111—A	
Form used June 17, 1876, to 1885. Paul Schulze, Agent	5410
GOVERNMENT'S EXHIBIT 111—B	
Form used 1885 to Novem- ber 19, 1888. George H. Andrews, Land Agent. . . .	5415
GOVERNMENT'S EXHIBIT 111—C	
Form used November 19, 1888, to September 15, 1904. Wm. H. Mills, Land Agent	5422
GOVERNMENT'S EXHIBIT 111—D	
Form used September 15, 1904, to June 15, 1908. Chas. W. Eberlein, Land Agent	5428

Volume 10--Continued

Page

GOVERNMENT'S EXHIBIT 111—E

Form used June 15, 1908, to
September 21, 1908. Henry
Conlin, Acting L a n d
Agent

5435

GOVERNMENT'S EXHIBIT 111—F

Form used September 21,
1908—B. A. McAllaster,
Land Agent

5440

GOVERNMENT'S EXHIBIT 111—G

Form used under act of May
4, 1870, January 20, 1888,
to November 19, 1888.
Geo. H. Andrews, Land
Agent

5449



VOLUME XI

Page

GOVERNMENT'S EXHIBIT 111-H

Form used November 19, 1888, Wm. H. Mills,
Land Agent5469

GOVERNMENT'S EXHIBIT 112

Form 3311, Letter head Southern Pacific Com-
pany, Land Department.....5477

GOVERNMENTS' EXHIBIT 113

Letters J. E. Lutz and others to Charles W.
Eberlein, from May 19, 1905, to September
19, 19055477

GOVERNMENT'S EXHIBIT 114

Letter February 18, 1904, to W. H. Mills, from
Acting Land Agent, inclosing notice from
Marshfield appearing in the Oregonian, rais-
ing question of title of Coos Bay Wagon Road
Company as to the 160 acres and \$2.50 an acre
clause, and correspondence between Eberlein,
Andrews, Herrin and Cornish, relating to
same5493

Volume 11—Continued

Page.

GOVERNMENT'S EXHIBIT 115

Letter of Charles W. Eberlein to D. A. Chambers, August 11, 1905, concerning transfers of railroad grants, and letters and telegrams between Chambers, Eberlein, McAllaster and Dunne5502

GOVERNMENT'S EXHIBIT 116

Paper marked "Information received from David Loring," dated Portland, Oregon, August 23, 19075509

GOVERNMENT'S EXHIBIT 117

Statement of Irvine P. Gardner, dated March 15, 19125523

GOVERNMENT'S EXHIBIT 118

Illustrated number Coos Bay Times, published at Marshfield, Oregon.....5525

GOVERNMENT'S EXHIBIT 119

Statement of W. V. Fuller.....5525

Volume 11—Continued

Page

GOVERNMENT'S EXHIBIT 120

Statement of W. T. Grieve.....5526

GOVERNMENT'S EXHIBIT 121

Pamphlet descriptive of Toledo, Oregon, pur-
porting to have been issued under the co-opera-
tive plan of the Southern Pacific lines in Ore-
gon, Wm. McMurray, General Passenger
Agent5529

GOVERNMENT'S EXHIBIT 122

Statement of F. A. Elliott, set out in full at
pages 2742 et seq. Volume 6 of printed record.5529

GOVERNMENT'S EXHIBIT 123

Statement of H. S. Maloney, set out in full at
page 4047, Volume 8, of printed record.5529

GOVERNMENT'S EXHIBIT 124

Photograph of E. J. Mahan's place, Section 17,
Township 39 South, Range 1 East, Jackson
County, Oregon5529

Volume 11--Continued

Page

GOVERNMENT'S EXHIBIT 125

Illustrated pamphlet descriptive of Grants Pass and Josephine County, purporting to have been issued under the co-operative plan of the Southern Pacific lines in Oregon, and to have been planned and executed by the Sunset Magazine Homeseekers' Bureau, Portland, Oregon5530

GOVERNMENT'S EXHIBIT 126-A

Deed of trust of Congressional Land Grant, from the Oregon and California Railroad Company to Milton S. Latham, Faxon D. Atherton and Wm. Norris, dated April 15, 18705530

GOVERNMENT'S EXHIBIT 126-B

Railroad Mortgage, or Deed of Trust, Oregon Central Railroad Company to Milton S. Latham and Faxon D. Atherton, dated July 15, 18715548

GOVERNMENT'S EXHIBIT 126-C

Second mortgage to secure \$300,000, Oregon

Volume 11—Continued

Page

Central Railroad Company to W. D. Shipman and S. L. M. Barlow, dated March 1, 1876	5578
--	------

GOVERNMENT'S EXHIBIT 126-D

Contract between Ben Holladay and the Frankfort Committee, dated February 29, 1876....	5608
--	------

GOVERNMENT'S EXHIBIT 126-E

Modification of agreement between Ben Holladay and the Frankfort Committee, April 19, 1876	5619
--	------

GOVERNMENT'S EXHIBIT 126-F

Definite agreement between the Frankfort Committee, the European creditors, and the three companies — Oregon Steamship Company, Oregon and California Railroad Company and Oregon Central Railroad Company (West Side)	5628
--	------

Volume 11—Continued

Page

GOVERNMENT'S EXHIBIT 126-G

Compromise contracts of 1874:

No. 1. General contract between the Oregon and California Railroad Company and the bondholders for funding interest.

No. 2. Agreement as to appointment of financial agent.

No. 3. Contract between Milton S. Latham, Faxon D. Atherton and William Norris, Trustees; Ben Holladay, Oregon and California Railroad Company, and the bondholders as to the management of the land grant.

No. 4. Agreement between the European and Oregon Land Company and Milton S. Latham, Faxon D. Atherton and William Norris, Trustees, and others.

No. 5. Contract as to the Oregon Steamship Company.

No. 6. Contract as to the Oregon Central Railroad Company 5639

Volume 11--Continued

Page

GOVERNMENT'S EXHIBIT 126-H

Agreement as to disposition of earnings of Oregon Steamship Company and Oregon Central Railroad Company, dated April 6, 1876.....5725

GOVERNMENT'S EXHIBIT 126-I

Original conveyance of Oregon and California land grant to European and Oregon Land Company, dated March 28, 1871.....5734

GOVERNMENT'S EXHIBIT 127

Agreement between Central Pacific Railway Company and Oregon and California Railroad Company, first parties, and Pokegama Sugar Pine Lumber Company, second party, dated November 11, 1902.....5751

GOVERNMENT'S EXHIBIT 128

Quit-claim deed No. 6, N. P. R. R. Co. to City of Portland, dated August 7, 1886.....5757

GOVERNMENT'S EXHIBIT 129

Record of the minutes of all meetings of the Directors and Stockholders of the Oregon and

Volume 11—Continued**Page**

California Railroad Company from date of its organization until September 4, 1908, the date of the institution of this suit.....5765

GOVERNMENT'S EXHIBIT 130

Certified copies of letters on file in office of Secretary of the Interior and General Land Office, beginning with letter of January 19, 1869, to Secretary Browning, signed by George H. Williams, etc.....5766

The letters contained in this exhibit are set out in full at pages 1910 et seq., Volume 4, printed record

DEFENDANTS' EXHIBIT 250

Letter A. A. Hoehling, Jr., Attorney for Oregon and California Railroad Company, of date June 10, 1909, to Commissioner of General Land Office, asking for supplemental patent to the S/2 of the NE/4, SE/4 of SW/4, and Lot 7, Section 9, to correct description.....5767

DEFENDANTS' EXHIBIT 251

Resolution of Board of Directors of Oregon and California Railroad Company, appointing B. A. McAllaster land commissioner, dated Sep-

Volume 11—Continued

Page

tember 28, 1908, effective as of September 21,
19085770

DEFENDANTS' EXHIBIT 252

Resolution of Board of Directors of Central
Pacific Railway Company, appointing B. A.
McAllaster land commissioner, dated Septem-
ber 26, 1908, effective as of September 21,
19085772

DEFENDANTS' EXHIBIT 253

Resolution of Board of Directors of Southern
Pacific Railroad Company, appointing B. A.
McAllaster land commissioner, dated Septem-
ber 23, 1908, effective as of September 21,
19085773

DEFENDANTS' EXHIBIT 254

Resolution of Executive Committee of Southern
Pacific Company, appointing B. A. McAllas-
ter land commissioner of Southern Pacific
Company to manage, lease, sell and dispose of
its lands and lots in the Townsite of Russell
City, California; Mina, Nevada, and Imlay,
Nevada5774

Volume 11—Continued

Page

DEFENDANTS' EXHIBIT 255

Forms 3332, 4501 and 4502 of Central Pacific deeds	5775
---	------

DEFENDANTS' EXHIBIT 256

Form 3398, deed used by Oregon and California Railroad Company and Union Trust Company of New York	5785
--	------

DEFENDANTS' EXHIBIT 257

Tabular statement for each county in which some portion of the lands of the so-called East Side and West Side grants are situated, showing the record of deeds or contracts for the sale of the lands of the Oregon and California Railroad Company	5789
Columbia County	5789
Washington County	5797
Multnomah County	5831
Tillamook County	5855
Yamhill County	5859
Polk County	5897

vs. The United States

8765

Volume 11—Continued

	Page
Marion County	5917
Lincoln County	5957
Benton County	5963
Linn County	5979

8
7
6
5

VOLUME XII

	Page
Douglas County	6087
Clackamas County	6151
Coos County	6253
Lane County	6265
Curry County	6360
Josephine County	6368
Jackson County	6398
Klamath County	6441
Clarke County, Wash.....	6449

VOLUME XIII

Page

DEFENDANTS' EXHIBIT 258

Status as of date May 1, 1912, of that part of grant known in Oregon as the "East Side" grant	6691
Status as of date May 1, 1912, of that part of grant known in Oregon as the "West Side" grant	6696

DEFENDANTS' EXHIBIT 259

Map purporting to show, in colors, twenty and thirty-mile limits "East Side" grant, twenty and twenty-five-mile limits "West Side" grant, patented and unpatented unsold lands, both grants, not including unselected indemnity lands; also lands covered by outstanding con- tracts, lands deeded by grantee companies, lands lost to both grants by adverse entries, lands unavailable for indemnity selection, un- selected indemnity lands, including pending suspended lists and unsurveyed lands	6698
--	------

DEFENDANTS' EXHIBIT 260

Map purporting to show, in colors, lands of the Oregon and California Railroad Company— timbered, non-timbered, unsurveyed and un- patented lands, "East Side" and "West Side" grant	6699
--	------

Volume 13—Continued**Page****DEFENDANTS' EXHIBIT 261**

Six original reports of timber cruisers, Form
33846700

DEFENDANTS' EXHIBIT 262

Statement showing number of acres involved in
suit, each county in Oregon, number of acres
covered by field examinations and classifica-
tions thereof as timber, grazing or agricultural
land6701

DEFENDANTS' EXHIBIT 263

Map purporting to show, in colors, settlement
and non-settlement entries, patented, unpat-
ented and unsurveyed lands involved in suit. . .6704

DEFENDANTS' EXHIBIT 264

Purports to show, in colors, settlement entries,
pre-emption, homestead, donation.....6704

Also non-settlement entries.....6705

Volume 13--Continued

Page.

DEFENDANTS' EXHIBIT 265

Three packages certified copies field notes, Surveyor General's Office, showing returns made by U. S. Deputy Surveyor as to character of lands in townships described, all within limits of grants involved in this suit. 6708

DEFENDANTS' EXHIBIT 266

Map showing main line railroad between Portland and Roseville Junction, and between Portland and McMinnville, via Forest Grove. 6709

DEFENDANTS' EXHIBIT 267

Photographic panorama, taken by B. A. Gifford. 6709

DEFENDANTS' EXHIBIT 268

Panoramic picture (four pictures taken in panoramic form), and two pictures taken in panoramic form, and one picture separately, with blue print 6710

DEFENDANTS' EXHIBIT 269

Photographs, Numbers 2942 and 2943, lands in Columbia county 6711

Volume 13--Continued

Page.

DEFENDANTS' EXHIBIT 270

Photographs purporting to show certain lands
and improvements thereon involved in suit...6711

DEFENDANTS' EXHIBIT 271

Three signed applications to Oregon and Cali-
fornia Railroad Company for purchase of
O. & C. lands.....6711

DEFENDANTS' EXHIBIT 272

Blank printed circular advertisements, H. J.
Miller and others, soliciting purchasers O. & C.
lands6716

DEFENDANTS' EXHIBIT 273

Eighty-seven photographs, purporting to show
certain of the lands and improvements thereon
involved in this suit.....6720

DEFENDANTS' EXHIBIT 274

Six photographs, purporting to show certain of
the lands and improvements thereon involved
in this suit.....6720

Volume 13--Continued

Page.

DEFENDANTS' EXHIBIT 275

Described in testimony of B. A. McAllaster, not
furnished or filed.....6720

DEFENDANTS' EXHIBIT 276

Purporting to show summary of the "Selection
Lists" of "West Side" and "East Side" grant.6720

DEFENDANTS' EXHIBIT 277

Printed in testimony of Charles W. Eberlein,
Vol. 4, page 1978, of record.....6776

DEFENDANTS' EXHIBIT 278

List of 240 outstanding leases executed by Ore-
gon and California Railroad Company, from
October 5, 1910, to July 19, 1912, covering
24,671.02 acres Oregon and California lands..6776

DEFENDANTS' EXHIBIT 279

Advertisements published by Land Commis-
sioner6776

Volume 13--Continued

Page.

DEFENDANTS' EXHIBIT 280

Photographic copy, page "Daily Oregonian,"
August 12, 18716777

DEFENDANTS' EXHIBIT 281

Form 3311, letter head Oregon and California
Railroad Company, Land Department.....6782

DEFENDANTS' EXHIBIT 282

Letter head Oregon and California Railroad
Company, Land Department.....6782

DEFENDANTS' EXHIBIT 283

Agreement October 11, 1886, between Central
Pacific Railroad Company, Pacific Improve-
ment Company, and Southern Pacific Com-
pany, for construction, leasing and operation
of line from Delta to California-Oregon state
line, being Exhibit 1 to joint and several
answers of defendants, Oregon and California
Railroad Company, Southern Pacific Com-
pany and Stephen T. Gage, in this suit.6783

Volume 13—Continued

Page

DEFENDANTS' EXHIBIT 284

- Certified copy resolution of Board of Directors
California and Oregon Railroad Company,
October 8, 1866, assenting to Act of Congress
of July 25, 1866.....6783

DEFENDANTS' EXHIBIT 285

- Certified copy reports of Commissioners to the
President of the United States, approving and
accepting railroad constructed under Act of
July 25, 1866, from Roseville Junction north-
ward 77.6 miles to a point near Chico, in Cali-
fornia, of date August 9, 1870, etc.....6784

DEFENDANTS' EXHIBIT 286

- Balance sheet general ledger Oregon and Cali-
fornia Railroad Company, eleven months, end-
ing May 31, 1912.....6818

DEFENDANTS' EXHIBIT 287

- Two sheets, standard form 77, unmortgaged
lands Oregon and California Railroad Com-
pany, land transactions for April, 1911—form
78, land transactions for April, 1911, covered

Volume 13—Continued

	Page
by first mortgage to Union Trust Company, of date July 1, 1887.....	6824

DEFENDANTS' EXHIBIT 288

Statement of government freight and passenger transportation over the road between Portland, Oregon, and Roseville, California, 1906 to 1910, both inclusive, showing proportions ac- cruing north and south of Oregon-California state line	6835
---	------

DEFENDANTS' EXHIBIT 289

Statement total amounts received by Oregon and California Railroad Company from and in sale and disposition of lands, "East Side" and "West Side" grants, from April 1, 1870, to April 30, 1911.....	6836
--	------

DEFENDANTS' EXHIBIT 290

Statement financial account between Southern Pacific Company and Oregon and California Railroad Company under lease of date July 1, 1887, and succeeding lease of August 1, 1893, showing receipts and disbursements by fiscal years, down to and including July 30, 1912	6837
---	------

Volume I3--Continued

Page

DEFENDANTS' EXHIBIT 291

Financial statement showing Trust Fund account, statement to Union Trust Company under mortgage of date July 1, 1887, of Trust Fund account month of June, 1912.....6925

DEFENDANTS' EXHIBIT 292

Forms of statement to Union Trust Company under mortgage of July 1, 1887.....6930

DEFENDANTS' EXHIBIT 293

Total cost of construction of "East Side" and "West Side" roads, including branches.....6930

DEFENDANTS' EXHIBIT 294

Statement concerning lands involved in certain suits pending in Circuit Court of the United States, District of Oregon, United States, complainant, versus Oregon and California Railroad Company, Southern Pacific Company, Stephen T. Gage, individually and as trustee, Union Trust Company, individually and as trustee, and the several parties named, in respect to each suit, defendants (so-called "Innocent Purchaser" Suits).....6932

Volume 13--Continued

Page

DEFENDANTS' EXHIBIT 295

Large map purporting to show, in colors, location of lands involved in so-called "Innocent Purchaser" suits, giving number of each suit and acreage involved.....7000

DEFENDANTS' EXHIBIT 296

Statement of executory contracts Oregon and California Railroad Company, covering land sales outstanding January 1, 1913, etc.....7001

DEFENDANTS' EXHIBIT 297

Statement sales made by Oregon and California Railroad Company during the year 1903.....7001

DEFENDANTS' EXHIBIT 298

Statement of contracts paid in full during 1903, not in default January 1, 1903.....7002

DEFENDANTS' EXHIBIT 299

Statement of defaulted contracts closed during 19037002

Last sheet of this exhibit.....7003

Volume 13—Continued

Page

DEFENDANTS' EXHIBIT 300

Statement of contracts paid in full during 1904, not in default January 1, 1903.....	7004
Last sheet of this exhibit.....	7005

DEFENDANTS' EXHIBIT 301

Statement of contracts paid in full during 1905, not in default January 1, 1903.....	7006
Last sheet of this exhibit.....	7007

DEFENDANTS' EXHIBIT 302

Statement of contracts paid in full during 1906, not in default January 1, 1903.....	7008
Last sheet of this exhibit.....	7009

DEFENDANTS' EXHIBIT 303

Statement of contracts paid in full during 1907, not in default January 1, 1903.....	7010
Last sheet of this exhibit.....	7011

DEFENDANTS' EXHIBIT 304

Statement of contracts paid in full during 1908, not in default January 1, 1903.....	7012
Last sheet of this exhibit.....	7013

Volume 13—Continued

Page

DEFENDANTS' EXHIBIT 305

Statement of contracts paid in full during 1909, not in default January 1, 1903.....	7014
Last sheet of this exhibit.....	7015

DEFENDANTS' EXHIBIT 306

Statement of contracts paid in full during 1910, not in default January 1, 1903.....	7016
Last sheet of this exhibit.....	7017

DEFENDANTS' EXHIBIT 307

Statement of contracts paid in full during 1911, not in default January 1, 1903.....	7018
Last sheet of this exhibit.....	7019

DEFENDANTS' EXHIBIT 308

Statement of contracts paid in full January 1, 1912, to June 30, 1912, not in default January 1, 1903	7020
Last sheet of this exhibit.....	7020

DEFENDANTS' EXHIBIT 309

Statement of facts relating to the land grant of the Oregon and California Railroad Company,	
---	--

Volume 13—Continued

	Page
successor in interest to the Oregon Central Railroad Company, "East Side," and Oregon and California Railroad Company, "West Side," by Charles W. Eberlein, Acting Land Agent, May 1, 1908.....	7022
Map in connection with Defendants' Exhibit 309	7142
 DEFENDANTS' EXHIBIT 310	
"Riddles Quadrangle," U. S. Geological Survey	7143
 DEFENDANTS' EXHIBIT 311	
"Grants Pass Quadrangle," U. S. Geological Survey	7143
 DEFENDANTS' EXHIBIT 312	
Sectional map, Douglas and Coos counties, Oregon, with legend in colors showing lands Oregon and California Railroad Company, and twelve other large timber owners.....	7144
 DEFENDANTS' EXHIBIT 313	
Four photographs showing abandoned cabins	7144

Volume 13—Continued

Page

DEFENDANTS' EXHIBIT 314

Blue print map, portions Douglas, Coos and Curry counties, showing, in colors, lands of Simpson Lumber Company.....7144

DEFENDANTS' EXHIBIT 315

Copy "American Lumberman," of date November 11, 1911, showing holdings of C. A. Smith Lumber Company and others, Coos county, Oregon, and various photogravures illustrating saw-mill of C. A. Smith Lumber Company, Marshfield, Oregon; growth of timber in Coos and Curry counties mentioned in testimony pages 3076, 2925 et seq., Volume 6, printed record7145

DEFENDANTS' EXHIBIT 316

Standard map Oregon and California Railroad Company in four sections, showing, in colors, lands of Weyerhauser Land Company, Pokegama Sugar Pine Lumber Company, and Pelton-Reid Sugar Pine Lumber Company..7146

Volume 13--Continued

Page

DEFENDANTS' EXHIBIT 317

Bulletin "Thirteenth Census United States, 1910," giving population of Oregon by counties, etc., from 1850 to 1910, both inclusive..7146

DEFENDANTS' EXHIBIT 318

Certified copies of so much of assessment rolls of certain counties of lands involved in this suit for 19117149

DEFENDANTS' EXHIBIT 319

Comparative statement assessed valuation and taxes paid on unsold Congressional lands by counties, years 1904 to 1907, both inclusive, giving valuation by counties, average value per acre, average in mills, taxes paid, taxes paid per acre; also same for years 1908, 1909, 1910 and 19117150

DEFENDANTS' EXHIBIT 320

Statement No. 1, showing by counties assessment upon Congressional lands of the Oregon and California Railroad Company from 1891 to 1904, inclusive, giving acres assessed, assessed valuation, taxes paid.....7167

Volume 13—Continued

Page.

Statement No. 1-A, showing by counties assessment of Congressional lands Oregon and California Railroad Company, 1891 to 1904, inclusive, acreage assessed, assessed valuation, average assessed valuation per acre, total taxes paid, and average tax per acre.....7199

VOLUME XIV

Page

DEFENDANTS' EXHIBIT 321

Statement purporting to show total taxes paid from 1891 to 1911, inclusive, on Oregon and California Congressional lands.....7251

DEFENDANTS' EXHIBIT 322

Tables enclosed to J. B. Eddy, Tax and Right of Way Agent, in letter from E. Dana Durand, Director Bureau of the Census, dated August 26, 1912,—not printed but certified up under order of Court and stipulation of parties,—which tables give statistics of population Oregon 1850 to 1900, both inclusive, and population of certain cities and towns in western Oregon for 1910.....7252

DEFENDANTS' EXHIBIT 323

Population of certain counties and towns in western Oregon for years 1890, 1900, 1910.....7259

DEFENDANTS' EXHIBITS 324, 325, 326,
327, 328, 329, 330

Statements purporting to be summaries of the assessment rolls of the various counties of the

Volume 14—Continued

Page.

state of Oregon as equalized by the County Board of Equalization, compiled by the Board of State Tax Commissioners for 1911, 1910, 1909, and compiled by the Secretary of State for 1908, 1907, 1906, 1904, 1903, 1902, 1901, 1900, showing by counties number of acres tillable land, value of non-tillable lands, value of town and city lots, improvements on town and city lots, etc., and showing total value of taxable property as equalized by the County Boards of Equalization for the respective years, and as equalized by the State Tax Commissioners for the years 1911, 1910 and 1909.....7262

DEFENDANTS' EXHIBIT 331

Purports to be statement of taxes paid upon congressional lands, including in same items other property for years 1873 to 1890, both inclusive, in the counties of Benton, Lane, Linn, Marion, Washington and Yamhill.....7263

DEFENDANTS' EXHIBIT 332

Purports to be two sheets of standard map of the Oregon and California Railroad Company, purporting to show lands of the Booth-Kelly Lumber Company colored in red, and the Wentworth lands colored in green.....7268

Volume 14—Continued

Page

DEFENDANTS' EXHIBIT 333

Is a certified copy of an Act of Congress, approved August 20, 1912, entitled "An Act Supplementing the joint resolution of Congress approved April thirtieth, nineteen hundred and eight, entitled 'Joint resolution instructing the Attorney General to institute certain suits,' " etc.7268

DEFENDANTS' EXHIBIT 334

Is "Report No. 1008, House of Representatives, 62d Congress, 2d Session," Oregon and California Railroad Land Grant, July 16, 1912—committed to the committee of the whole House on the state of the Union, and ordered to be printed. Mr. Robinson, from the Committee on Public Lands, submitted same to accompany H. R. 22002, supplementing the joint resolution approved April 30, 1908, etc.7273

DEFENDANTS' EXHIBIT 335

Purports to be a map issued by Department of the Interior, General Land Office, Fred Dennett, Commissioner, State of Oregon, compiled from the official records of the General Land

Volume 14—Continued

Page.

Office and other sources, etc., showing thereon, in accordance with legend as marked in different colors, U. S. Surveyor General's Office, U. S. Land offices, Indian Reservations, Military Reservations, National Forests, National Park, National Monuments and Bird Reserves, County Boundaries and Land District Boundaries, Military Roads, Light Houses, and Townships not subdivided by special designation7303

DEFENDANTS' EXHIBIT 336

Is Department Circular No. 62, October 29, 1907, issued by Treasury Department, subject "Transportation of Government Employees and Property"7303

DEFENDANTS' EXHIBIT 337

Is Circular No. 16, Quartermaster General's Office, 1912, entitled "Schedule of Land-grant and Bond-aided Railroads of the United States, and instructions concerning settlement of accounts over such roads, with a compendium of United States laws showing the conditions of the grants and subsidies, issued July 1, 1912,

Volume 14—Continued

Page

Washington, Government Printing Office, 1912." At page 42 of this circular appears Section 5, Act of July 25, 1866, 14 Statutes, 239, with reference to Act of June 25, 1868, 15 Statutes, 80, and Act of Congress April 19, 1869, with reference to 16 Statutes, 47; and therewith a map of Land-grant and Bond-aided railroads of the United States, 1912, etc.7306

DEFENDANTS' EXHIBIT 338

Consists of a set of forms furnished by the Quartermaster Department as Government requests for transportation, etc.7306

DEFENDANTS' EXHIBIT 339

Purports to be a standard map of the Oregon and California Railroad Company in the State of Oregon, and purports to show, according to legend, in colors, vacant government land; lands included in Forest Reserve withdrawn from entry; lands included in Powersite Reserve withdrawn from entry; lands included in Fisheries Bureau withdrawn from entry; lands included in Indian Reservation withdrawn

Volume 14—Continued

Page.

from entry; shown in their relations to the
lands within the limits of the grants, place and
indemnity7306

DEFENDANTS' EXHIBIT 340

Estimated acreage of public lands in the Port-
land and Roseburg, Oregon, land districts....7308

DEFENDANTS' EXHIBIT 341

Purports to be a summary showing stockholders,
directors and officers of the Oregon and Cali-
fornia Railroad Company, as shown by the
record books of the Company from October
11, 1870, down to and including April 11,
19117309

DEFENDANTS' EXHIBIT 342

Is a standard map of the Oregon and California
Railroad Company, purporting to show, in
colors, lands examined, cruised, and reported
upon by S. C. Bruce, S. A. Carmichael, C. A.
Cavell, F. J. Cronin, F. A. Elliott, M. F.
McCown, John McDonald, D. C. McLennan,
L. D. McLeod, Ben Peck, Wm. Penoyar, and
A. W. Rees; and purports to show the location
of these lands within the limits of these grants.7309

Volume 14—Continued

Page

DEFENDANTS' EXHIBIT 343

Is a detailed statement purporting to show lands cruised by S. C. Bruce, as classified, present condition as to timber, grazing and agricultural, and when denuded—as to grazing and agricultural7309

DEFENDANTS' EXHIBIT 344

Is a statement purporting to show lands cruised by L. D. McLeod, as classified, present condition as to timber, grazing and agricultural, and when denuded—as to grazing and agricultural7310

DEFENDANTS' EXHIBIT 345

Is an illustrated article purported to have been written by Henry S. Graves, Chief of the Forest Service, appearing in the Saturday Evening Post, issue of August 17, 1912, entitled " 'Farms' in the National Forests", and reprinted in the Congressional Record on August 16, 1912, under the same heading as "Extension of Remarks of Honorable William Kent of California in the House of Representatives"7310

Volume 14--Continued

Page

DEFENDANTS' EXHIBIT 346

Is Bulletin No. 88, issued June 17, 1911, by U. S. Department of Agriculture, Forest Service—Henry S. Graves, Forester; Subject, "Properties and Uses of Douglas Fir." This exhibit at page 11 contains diagram or map purporting to show "The General Range of Douglas Fir", and includes in that range Oregon and Washington lying west of and including the Cascade mountains, and portions of this exhibit are printed as part of the testimony of Homer D. Angell, volume 6, page 2789 of record.....7341

DEFENDANTS' EXHIBIT 347

Is Circular 150, issued January 23, 1909, by U. S. Department of Agriculture, Forest Service, Gifford Pinchot, Forester. Subject, "A Study of the Pacific Coast and Rocky Mountain Forms," etc. Page 13 of circular purports to give the range of Douglas Fir, showing north coast region No. 1 as including Oregon and Washington lying west of and including the Cascade range7342

DEFENDANTS' EXHIBIT 348

Is a circular or bulletin by the Department of

Volume 14—Continued

Page

Commerce and Labor, Bureau of the Census,
Forest Products, No. 2, Lumber, Lath and
Shingles—1910, etc., Forest Service, Henry
S. Graves, Forester, issued February 20, 1912.
Part of this exhibit is printed in testimony of
Homer D. Angell, volume 6, page 2795 of
record7842

DEFENDANTS' EXHIBIT 349

Consists of silvical leaflets, numbers 2, 4, 5, 7 and
8, issued in 1907, Gifford Pinchot, Forester,
describing Port Orford cedar, White Fir, Low-
land Fir, Noble Fir, Red Fir (range and oc-
currence of each)7848

DEFENDANTS' EXHIBIT 350

Purports to contain reports of Land Examiner
W. J. Lander of dates March 14, 1912, No-
vember 25, 1911, October 6 and 7, 1907, May
24, 1907, May 25, 1907, upon forms of Oregon
and California Railroad Company, Land De-
partment7848

DEFENDANTS' EXHIBIT 351

Statement of lands examined, cruised and re-

Volume 14--Continued

Page

ported upon by D. C. McLennan, showing present condition, timber, grazing and agricultural and when denuded—grazing and agricultural	7343
--	------

DEFENDANTS' EXHIBIT 352

Table showing unsold Congressional lands of the Oregon and California Railroad Company as assessed and taxed, as shown by tax rolls of Multnomah County for the years 1875 to 1890, both inclusive	7343
--	------

DEFENDANTS' EXHIBIT 353

Statement of lands examined, cruised and reported upon by A. W. Rees, showing acreage of, in present condition, classified as timber, grazing and agricultural, and, when denuded—grazing and agricultural	7345
--	------

DEFENDANTS' EXHIBIT 354

Report of A. W. Rees, timber cruiser; 3 sheets showing timber estimate and description of various parcels of lands	7345
--	------

Volume 14—Continued

Page

DEFENDANTS' EXHIBIT 355

Statement of portion of lands examined, cruised and reported upon by F. A. Elliott showing area in present condition, timber, grazing and agricultural, and, when denuded—grazing and agricultural7345

DEFENDANTS' EXHIBIT 356

Statement of lands examined by S. A. Carmichael, showing area in present condition, timber, grazing and agricultural, and when denuded—grazing and agricultural7345

DEFENDANTS' EXHIBIT 357

Statement showing lands examined, cruised and reported upon by T. J. Cronin, C. A. Cavell, M. F. McCown, John D. McDonald, Ben Peck and William W. Penoyar, showing area in present condition, timber, grazing and agricultural, and, when denuded—grazing and agricultural7346

DEFENDANTS' EXHIBIT 358

Report of Land Examiner A. W. Rees of a particular tract of land.....7346

Volume 14—Continued

Page

DEFENDANTS' EXHIBIT 359

Statement of average assessed value per acre of
unsold lands of Oregon and California Rail-
road Company for each year from 1892 to
1911, inclusive7346

DEFENDANTS' EXHIBIT 360

Is First Annual Report of the State Forester,
F. A. Elliott, to the Governor of Oregon,
transmitted December 1, 1911.....7347

DEFENDANTS' EXHIBIT 361

Pamphlet "The Forests of Oregon" by Henry
Gannett, published by Department of the In-
terior, 1902, with map of State of Oregon
purporting to show classification of lands and
forests by Gilbert Thompson, etc.....7348

DEFENDANTS' EXHIBIT 362

Statement showing total areas examined by cruis-
ers named, present condition of such areas,
probable condition after areas denuded.....7349

DEFENDANTS' EXHIBIT 363

Map of the State of Oregon, published by J. K.
Gill Co., of Portland, Oregon, showing in red

Volume 14—Continued

Page

outline of Oregon and California Railroad Company, and limits of land grant (East Side), and in green outline of Oregon Central Railroad Company (West Side) and limits of land grant7351

DEFENDANTS' EXHIBIT 364

Form used by N. H. Martin in making reports on lands, October 23, 19127351

DEFENDANTS' EXHIBIT 365

Scarborough's Census Map of Washington and Oregon, showing in colors counties, cities, villages, postoffices, steam and electric railways, with stations and distances between stations, and other features, with population according to Census of 19107351

DEFENDANTS' EXHIBIT 366

Map showing location of timber lands on public domain, June 30, 1883, to accompany "Public Domain" by Thomas Donaldson. Map purports to show in green colors the locality of the timber lands, and includes therein Oregon and Washington west of and including Cascade Mountains7352

Volume 14—Continued

Page

DEFENDANTS' EXHIBIT 367

Photograph, View of Oregon City—Willamette
Falls, Railroad graded under Elliott in 1868. . 7352

DEFENDANTS' EXHIBIT 368

Agreement of April 23, 1867, between Oregon
Central Railroad Company and Albert J.
Cook, for construction of 159 miles of railroad. 7352

DEFENDANTS' EXHIBIT 369

Agreement of May 12, 1868, between Oregon
Central Railroad Company and A. J. Cook &
Company, for construction and equipment of
210 miles of railroad. 7361

DEFENDANTS' EXHIBIT 370

Transfer from Albert J. Cook to S. G. Elliott
of contract of April 23, 1867, with Oregon
Central Railroad Company 7369

DEFENDANTS' EXHIBIT 371

Photograph "Retaining walls of dry rubble ma-
sonry at Oregon City. Put in by Elliott in
1868" 7370

Volume 14—Continued

Page

DEFENDANTS' EXHIBIT 372

Map of Country Club Orchard Tracts, The
Rogue River Orchard Company, owner. 7370

DEFENDANTS' EXHIBIT 373

Certified copies of letters: May 7, 1870, J. D. Cox, Secretary, to Hon. Jos. S. Wilson, Commissioner of the General Land Office; May 23, 1870, Jos. S. Wilson, Commissioner, to Hon. George H. Williams, U. S. Senate; May 23, 1870, Jos. S. Wilson, Commissioner, to Register and Receiver, Oregon City, Oregon, relating to evidence of sale of the Oregon Central Railroad to the California and Oregon Railroad Company. Letter May 20, 1872, Willis Drummond, Commissioner, to Hon. C. Delano, Secretary of the Interior, referring to certain papers filed in his office by George H. Williams, Attorney General, for the purpose of obtaining a construction by the Department of the proviso of the Act of April 10, 1869, amendatory to the Act of July 25, 1866, namely, the 160-acre at \$2.50 an acre clause. 7371

DEFENDANTS' EXHIBIT 374

Certified copies of form of deed of European &

Volume 14—Continued**Page**

Oregon Land Company; letter from I. H. Moores, Land Agent, to Hon. Willis Drummond, Commissioner of the General Land Office, of January 23, 1874, and letter of March 13, 1874, Willis Drummond to I. R. Moores, in reference to lands said to have been erroneously patented to the Oregon and California Railroad Company7375

DEFENDANTS' EXHIBIT 375

Certified copies of correspondence between Paul Schulze and George H. Andrews, Land Agents of the Oregon and California Railroad Company, and the General Land Office, between June 20, 1876, and November 9, 1905,—all in reference to lands erroneously patented..7383

DEFENDANTS' EXHIBIT 376

Certified copies7439

Letter July 17, 1868, O. H. Browning, Secretary of the Interior, to A. M. Loryea, in regard to filing assent.

May 5, 1871, Walter H. Smith, Assistant Attorney General, to C. Delano, Secretary, expressing opinion as to validity of assignment by the

Volume 14—Continued

Page

Oregon Central Railroad Company to the Oregon and California Railroad Company, and that patents should be issued to the Oregon and California Railroad Company.

May 8, 1871, C. Delano, Secretary, to A. T. Akerman, Attorney General, in reference to claims of W. E. Chandler.

July 16, 1868, A. M. Loryea to O. H. Browning, Secretary of the Interior, advising that Gaston's organization is illegal.

April 30, 1868, resolution of acceptance of grant by Oregon Central Railroad Company April 29, 1868, certified by S. A. Clarke, Secretary O. C. R. R. Co.

May 9, 1871, A. T. Akerman, Attorney General, to C. Delano, Secretary of the Interior, in answer to letter May 8, 1871, above.

DEFENDANTS' EXHIBIT 377

Consists of Senate Judiciary Committee Report No. 906, January 2, 1883; To accompany bill S.2301, providing for the forfeiture of railroad grants in certain cases, report by Mr. Garland, from the Committee on the Judiciary.....7457

Volume 14—Continued

Page

DEFENDANTS' EXHIBIT 378

Certified copies:7468

Letters April 20, 1871, Jos. S. Wilson, President E. & O. Land Co., to Commissioner G. L. O., April 20, 1871, I. R. Moores to Jos. S. Wilson, and May 9, 1871, W. W. Curtis, Acting Commissioner, to Jos. S. Wilson; in regard to patent to lands inuring to the railroad company.

Correspondence between Jos. S. Wilson, President of the European and Oregon Land Company, and Willis Drummond, Commissioner of the General Land Office, running from March 21, 1871, to February 24, 1872, in re status of lands in the grant.

DEFENDANTS' EXHIBIT 379

Certified copy of map showing definite location of line of Oregon Central Railroad under act of May 4, 18707502

DEFENDANTS' EXHIBIT 380

Statement purporting to show, in a general way, financial operations of Oregon Central Rail-

Volume 14--Continued

Page.

road Company (East Side), the Oregon Central Railroad Company (West Side), and the Oregon and California Railroad Company, as gathered from the records of meetings of directors and stockholders of said companies..7502

DEFENDANTS' EXHIBIT 381

Circular No. 208, "The Three Year Homestead Law," issued by the Department of the Interior February 13, 1913, addressed to the Commissioner of the General Land Office.....7513

DEFENDANTS' EXHIBIT 382

Summary of patents to Oregon and California Railroad Company7514

DEFENDANTS' EXHIBIT 383

Certified copy of reports of Commissioners appointed to examine and report upon the first and second sections of the Oregon Central Railroad Company (West Side), with the action of the President endorsed thereon, and reports of Commissioners appointed to examine

Volume 14—Continued

Page.

and report upon first to twelfth sections, both inclusive, of the Oregon and California Railroad from Portland to the Oregon and California State line, with action of President endorsed thereon7564

DEFENDANTS' EXHIBIT 384

Certified copy of affidavit of H. Villard, of date January 8, 1883, as to completion of railroad to Oregon and California state line7564

DEFENDANTS' EXHIBIT 385

H. R. Report No. 1664, 1st Session, 48th Congress, "Unearned Land Grants," May 29, 18847567

Report No. 931, Forfeiture of lands granted to the California and Oregon Railroad, March 8, 1886, to accompany bill H. R. 6659, from the Committee on Public Lands7583

Report No. 930, 1st Session, 49th Congress, Forfeiture of lands granted to Oregon and California Railroad, March 8, 1886, to accompany bill H. R. 6658, from the Committee on Public Lands7600

Volume 14—Continued

Page

DEFENDANTS' BILL 386

Deed from Oregon and California Railroad Company to City of Portland, July 3, 1893, issued for contract No. 1705.....	7617
Deed from Oregon and California Railroad Company to City of Portland, July 3, 1893, issued for contract No. 1804.....	7623

DEFENDANTS' EXHIBIT 387

Certified copy of stipulation Suit No. 2272, filed in Circuit Court of United States, District of Oregon, case of United States versus Oregon and California Railroad Company, signed by Attorney General for complainant, and by Wm. F. Herrin, Wm. D. Fenton and Wm. Singer, Jr., for defendant, filed October 31, 1898	7628
---	------

DEFENDANTS' EXHIBIT 388

Certified copy of stipulation case No. 2661, filed in United States Circuit Court, District of Oregon, United States versus Oregon and California Railroad Company, signed by John H. Hall, United States Attorney, and H. M. Hoyt, Acting United States Attorney Gen-	
--	--

Volume 14--Continued

Page.

eral, for complainant, and Wm. D. Fenton and
Wm. Singer, Jr., for defendant, filed October
6, 19027629

DEFENDANTS' EXHIBIT 389

Certified copy of stipulation case No. 2658, filed
in United States Circuit Court, District of Ore-
gon, United States versus Oregon and Cali-
fornia Railroad Company, signed by John H.
Hall, United States Attorney, and H. M.
Hoyt, Acting United States Attorney Gen-
eral, for complainant, and Wm. D. Fenton
and Wm. Singer, Jr., for defendant, filed De-
cember 3, 1902.....7629

DEFENDANTS' EXHIBIT 390

Certified copy of stipulation case No. 2273, filed
in United States Circuit Court, District of
Oregon, United States versus Oregon and
California Railroad Company, signed by
Joseph McKenna, Attorney General, by
Charles J. Schnabel, Assistant United States
Attorney, Daniel R. Murphy, United States
Attorney, for complainant, and Wm. D.
Fenton and Wm. Singer, Jr., and Wm. F.
Herrin, for defendant, filed September 1,
18977630

Volume 14--Continued

Page

DEFENDANTS' EXHIBIT 391

Certified copy of stipulation case No. 2657, filed in United States Circuit Court, District of Oregon, United States versus Oregon and California Railroad Company, signed by John H. Hall, United States Attorney, for complainant, and Wm. Singer, Jr., and Wm. D. Fenton, for defendant, filed December 3, 1902...7630

DEFENDANTS' EXHIBIT 392

Certified copy of stipulation case No. 1936, filed in United States Circuit Court, District of Oregon, United States versus Oregon and California Railroad Company and Oregon Central Railroad Company, and also Oregon and California Railroad Company and Oregon Central Railroad Company versus the United States, signed by F. P. Mays, United States District Attorney, for the United States, and E. C. Bronaugh, L. L. McArthur and Wm. D. Fenton, for the Railway Companies.....7631

DEFENDANTS' EXHIBIT 393

Mortgage executed by Oregon and California Railroad Company to Faxon D. Atherton and Milton S. Latham, April 15, 1870.....7631

Volume 14—Continued

	Page
DEFENDANTS' EXHIBIT 394	
Mortgage executed by Oregon Central Railroad Company to Milton S. Latham and Faxon D. Atherton, July 15, 1871.....	7655
DEFENDANTS' EXHIBIT 395	
Mortgage executed by Oregon and California Railroad Company to Richard Koehler and Heinrich Hohenemser, January 1, 1881.....	7680
DEFENDANT'S EXHIBIT 396	
Mortgage executed by Oregon and California Railroad Company to Henry Villard, Horace White, and Charles Edward Bretherton, June 1, 1881	7720
DEFENDANTS' EXHIBIT 397	
Mortgage (or trust deed) executed by Oregon and California Railroad Company to Henry Villard, Robert Davie Peebles and Charles Edward Bretherton, June 2, 1881.....	7758
DEFENDANTS' EXHIBIT 398	
Mortgage executed by Oregon and California Railroad Company to the Farmers' Loan and Trust Company, May 25, 1883.....	7792

VOLUME XV

	Page
DEFENDANT'S EXHIBIT 398, continued . . .	7811
DEFENDANT'S EXHIBIT 399	7840
(Mortgage Oregon & California Railroad Company to Farmers' Loan & Trust Com- pany, dated May 26, 1883)	
DEFENDANT'S EXHIBIT 400	7858
(Deed of Trust Oregon & California Railroad Company to Latham, Atherton and Norris, Trustees, dated April 15, 1870).	
DEFENDANT'S EXHIBIT 401	7876
(Deed European & Oregon Land Company to Latham, Atherton and Norris, dated July 25, 1874).	
DEFENDANT'S EXHIBIT 402	7912
(Quitclaim deed No. 1719, issued for contract 3827, Oregon and California Railroad Com- pany to the City of Portland, dated March 14, 1892).	
DEFENDANT'S EXHIBITS, unnumbered . . .	7918
(Letter Benjamin Harris Brewster, Attorney General, to Hon. H. M. Teller, Secretary of the Interior, dated June 15, 1882).	

Volume 15—Continued

Page

(Statement from corporate records of Oregon Central Railroad Company of Salem, Oregon Central Railroad Company of Portland, and Oregon & California Railroad Company, compiled by Mr. McAllaster).

(Patent issued by the United States to Oregon & California Railroad Company, being third item to Exhibit No. 9 to the answer).

(Form of First Mortgage Construction Bonds of the Oregon Central Railroad Company (West Side).

(Form of Coupon to Bond above described).

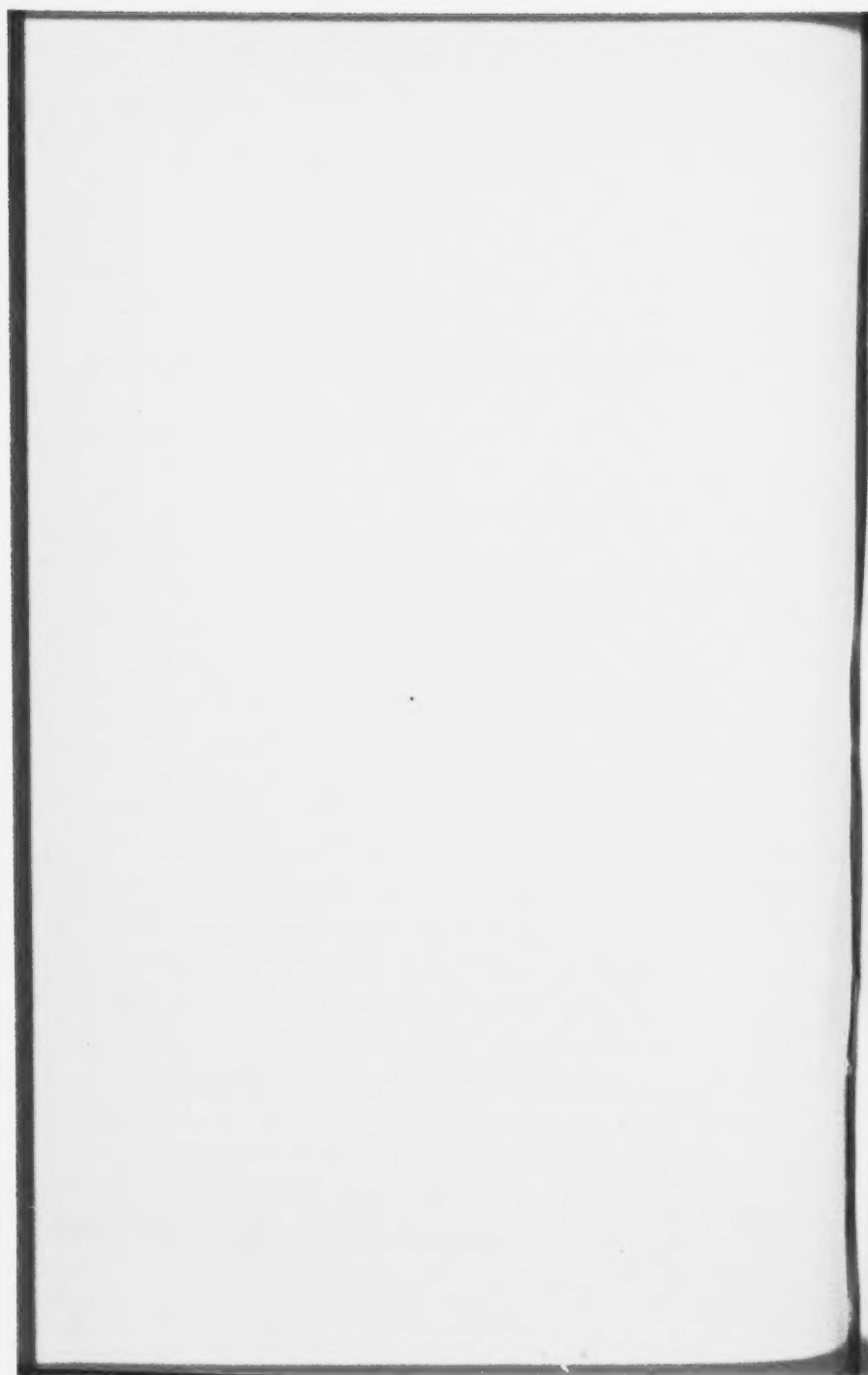
(First Mortgage Bond of the Oregon & California Railroad Company of date April 15, 1870).

Presentation and tender of the Statement of the Evidence, Under Rule 75 of Rules of Practice for the Courts of Equity of the United States, by defendants Oregon and California Railroad Company, Southern Pacific Company, Stephen T. Gage, individually and as trustee, and Union Trust Company, individually and as trustee.....7919

Order approving statement of evidence.....7921

Volume 15—Continued

	Page
Petition for Appeal, by all defendants.....	7923
Order allowing Petition for Appeal.....	8020 $\frac{1}{2}$
Assignment of Errors of Union Trust Company, individually and as trustee.....	8021
Assignment of Errors of Stephen T. Gage, individ- ually and as trustee.....	8077
Assignment of Errors of Southern Pacific Com- pany	8138
Assignment of Errors of John L. Snyder et al., and Sidney Ben Smith, et al., defendants-cross- complainants, and John Burbee et al.; Milo F. Dennis et al.; William E. Carter et al.; Wil- liam McLeod et al., and Arthur L. Golder et al., interveners-defendants	8199
Assignment of Errors, of Oregon and California Railroad Company	8222
Assignment of Errors, of John H. Haggett, and other defendants-interveners, on Joint Appeal.	8283



VOLUME XVI

	Page
Bond on Joint Appeal.....	8419
Order approving Bond on Joint Appeal.....	8425
Citation on Joint Appeal.....	8425
Petition for Separate Appeal of defendants-cross-complainants and interveners.....	8428
Order granting Petition for Separate Appeal of defendants-cross-complainants and interveners..	8469
Assignment of Errors on Separate Appeal of defendants-cross-complainants and interveners....	8470
Bond on Separate Appeal of defendants-cross-complainants and interveners, and order approving	8583
Citation on Separate Appeal of defendants-cross-complainants and interveners.....	8611
Order enlarging time to file statement of evidence..	8625

Volume 16—Continued

	Page
Cost Bill filed by complainant.....	8627
Cost Bill filed by defendants, Oregon and California Railroad Company, Southern Pacific Company and Stephen T. Gage, individually and as trustee.....	8630
Order enlarging time to file statement of evidence.	8632
Order enlarging time to file record on appeal.....	8634
Order enlarging time to file record on appeal.....	8635
Order enlarging time to file statement of evidence.	8637
Praecipe of defendants, Oregon and California Railroad Company, Southern Pacific Company, Stephen T. Gage, individually and as trustee, and Union Trust Company, individually and as trustee	8639
Order enlarging time to file statement of evidence..	8644
Order enlarging time to file record on appeal.....	8646

Volume 16—Continued

	Page
Order enlarging time to file statement of the evidence	8648
Order enlarging time to file record on appeal.....	8650
Stipulation between all parties as to preparation of record, etc., certifying to Circuit Court of Appeals of original exhibits and transcript of evidence	8652
Order on Stipulation.....	8663
Order enlarging time to file transcript.....	8665
Certificate of Clerk of United States District Court	8669

ERRATA

Volumes II to XIV, both inclusive, in the inside page of the cover, under the heading "Title, Names and Addresses of Solicitors Upon this Appeal", should appear these words: "For Appellant Union Trust Company, Dolph, Mallory, Simon & Gearin, Portland, Oregon, Miller, King, Lane & Trafford, and John C. Spooner, New York."

Volume IV, last page of Index

Testimony for defendants . . page *1820* should be *1920*

B. A. McAllaster page *1820* should be *1920*

Volume X, Page 5028

13th line, Jan. 12, *1868* should be Jan. 12, *1869*.

Volume XI, Page 5529

Government's Exhibit 123, in blank space should be printed words: "Page 4047, Volume 8."

Volume XIII. Page 6704.

Defendants' Exhibit 264 "purporting" should be "purports."

Volume XIII, Page 6838

The eleven lines immediately preceding Defendant's Exhibit 289 are a part of Exhibit 289 and should follow said exhibit.

ERRATA—Continued

Volume XIV, Page 7263

Defendants' Exhibit 331. At head of first table should be the words "Benton County."

Page 7304—1st line—add letter *d* to Bon .

Page 7351—3rd line, before "of" put in "limits."

Page 7351—5th line, "railway" should be "railroad."

Page 7360—5th line from bottom—"Wm. D. Singer" The "D" should be omitted.

Page 7383—Defendants' Exhibit 375, first line is left out, insert "Certified copies of telegram Schulze, Land"

Page 7583—1st line, 49th Congress *Vst* session should be *1st*.

ERRATA—Continued

Volume XIV, Page 7791

Before certificate of John B. Coffey, insert "Rec'd for record Sept. 13th, 1881, at 2:30 o'clock P. M."

Volume XV. Page 7839—

10th line—"John B. Coffee" should be "John B. Coffey."

Volume XV. Page 7920—

10th line—"Wm. D. Fenton" should be "Wm. F. Herrin."

Volume XV, page 8395, Index—

Assignment of Errors of Southern Pacific Company, should be page.....8138

Volume XVI. Page 8651—

11th line—"February 26th, 1914" should follow word "Filed."